

Transcript of the Testimony of  
**ERIC DAVIS**

**Date:** September 21, 2023

**Case:** WESTMORELAND VS. DART

**TOOMEY REPORTING**  
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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EUGENE WESTMORELAND,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 1:23-cv-01851
	)	
THOMAS DART, Sheriff of	)	
Cook County, COOK COUNTY,	)	
ILLINOIS, OFFICER E.	)	
ARREGUIN, and NURSE	)	
JEFFERSON,	)	
	)	
Defendants.	)	

This is the deposition of ERIC DAVIS, called by the Plaintiff for examination, taken via Zoom videoconferencing, taken pursuant to the Federal Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before PEGGY A. ANDERSON, a Certified Shorthand Reporter of the State of Illinois, on September 21, 2023, at 11:00 o'clock a.m.

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A P P E A R A N C E S :

THE LAW OFFICES OF:  
THOMAS G. MORRISSEY

BY: MR. THOMAS G. MORRISSEY  
10257 South Western Avenue  
Chicago, Illinois 60643  
(773) 233-7901  
tgm@morrisseylawchicago.com  
Appeared on behalf of the  
Plaintiff;

THE LAW OFFICES OF:  
DEVORE RADUNSKY, LLC

BY: MR. TROY RADUNSKY  
230 West Monroe Street  
Suite 230  
Chicago, Illinois 60606  
(312) 300-4479  
Tradunsky@drmbllaw.com

Appeared on behalf of the  
Defendant, Cook County.

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Exhibit 9 Page 1

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(WHEREUPON, the witness  
was first duly sworn.)

MR. MORRISSEY: This is the  
deposition of Eric Davis taken pursuant to  
notice and continued to today's date.  
WHEREUPON:

ERIC DAVIS,  
called as a witness herein, having been first  
duly sworn, was examined and testified as  
follows:

DIRECT EXAMINATION  
BY MR. MORRISSEY:

Q Mr. Davis, I'm going to ask you a  
series of questions. I'm going to ask that you  
answer the questions orally. If you don't  
understand one of my questions, please tell me  
and I'll attempt to rephrase it.

Can you state your name and spell  
your last name, please?

A My name is Eric Davis, D-a-v-i-s.

Q Mr. Davis, what is your current  
position with Cook County?

A I am the deputy director of the  
Department of Capital Planning and Policy for

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than a week ago. I believe it was more than a  
week ago, yeah.

Q Did you receive the Cook County or  
the Sheriff's answer to the complaint?

A I think I got that together in the  
same document or I believe -- yeah, I believe I  
did. Yeah.

Q Did you receive the interrogatory  
answers that you verified for Cook County?

A Yeah, I think you or somebody sent  
those. I think Troy sent those.

Q Well, let's -- for the record, I  
haven't communicated --

A Yeah, sorry. Yeah, you didn't. You  
wouldn't send me anything. I think Troy sent  
them, yeah.

Q Did you receive any e-mails from TJ  
Tyrrell that you reviewed?

A Could you be more specific because I  
work with TJ on lots of things, so.

Q Did you receive any e-mails that had  
an attorney by the name of Zach Pestine on it?

A I don't remember if I got anything  
from him specifically about this case. I don't

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Cook County.

MR. RADUNSKY: And so concludes your  
deposition today. We'll waive.

BY MR. MORRISSEY:

Q In the Westmoreland case, you  
answered interrogatories in Westmoreland versus  
Dart?

A I believe I have, yes.

Q And prior to today's deposition, what  
documents did you look at to prepare for your  
testimony today?

A I can't remember all of them. I  
think you all sent some documents. I believe  
there were some e-mails. I assume you will  
refresh my memory. We have looked at different  
documents that have been a part of this.

Q When did you first -- when were  
you -- were you sent documents by your  
attorney?

A I believe, yes, I was.

Q When did you receive those documents?

A I don't know. I would have to check.

Q Was it within the last week?

A I think it might have been longer

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remember anything from him about that.

Q Did you review any e-mails from March  
of 2021 in regards to the ADA requirements for  
a ramp?

A I believe I did, yes. Yeah.

Q And did you review an e-mail that you  
sent to TJ and other members of the Sheriff or  
Cook County's -- in regards to the ADA  
requirements for a ramp?

A That sounds familiar, yes.

Q Let's take a look at Exhibit Number 1.

MR. RADUNSKY: Are you going to put  
something on the screen?

MR. MORRISSEY: I'm sorry. Peggy,  
can I share this with -- let me go back a  
step.

THE REPORTER: It's on, Tom. So you  
can share.

MR. MORRISSEY: I can share it now?  
Thank you.

THE WITNESS: Tom, so that you know,  
there is something sticking down blocking  
part of your screen.

MR. RADUNSKY: He's just low on his

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screen because he's looking at his screen. That's why that's happening, Eric. He's just leaning in and that happens to people, so he's fine. Yeah, he's like me if I lean in too, you'll get my huge forehead.

THE WITNESS: Okay.

MR. RADUNSKY: Did you get that on the record, Peggy?

THE WITNESS: I did. Do you want it on the record?

MR. RADUNSKY: Now it's an admission in a federal case.

BY THE WITNESS:

**A I can see that now, yeah.**

BY MR. MORRISSEY:

Q Mr. Davis, I'm showing you Defendant Cook County's Answer to Plaintiff's Complaint.

**A Okay.**

Q You mentioned that you reviewed this prior to today's deposition?

**A I believe I did, yes.**

Q I'm going to turn you to Paragraph 7 -- or I'm sorry -- Paragraph 9, Defendant Cook County's Answer to the Complaint in this case

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and I would ask you to read the allegation and the response by Cook County.

**A Yeah, okay. I read it.**

Q Did you assist in preparing these answers to plaintiff's complaint?

**A I believe I did, yes.**

Q What did you do in assisting in preparing the answers to Cook County's -- to the complaint against Cook County in Westmoreland versus Dart, which were filed in May -- May 31st, 2023?

**A I think I just reviewed the questions and my opinion what was asserted in the paragraph -- or the question is -- if it is a question, are not correct.**

Q Did you -- well, let me ask a preliminary question. To your knowledge, when was the RTU building built with Cook County Jail?

**A It was completed before I worked for the County. I believe it was completed in 2015.**

Q I'm going to show you Exhibit Number 3 for a moment. Showing you Exhibit Number 3,

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it's titled: Cook County Jail, New RTU RCDC Facility.

Do you recognize that building?

**A Yes.**

Q What is that building depicting?

**A It's the RTU or sometimes referred to as Division 8.**

Q In this exhibit, in the body of the exhibit it says: The project consists of a five-story cast-in-place concrete structure of approximately 280,000 square feet, two pedestrian tunnels connecting to the adjacent buildings; is that correct --

**A Yes.**

Q -- that the RTU has two pedestrian tunnels that connect to the remaining campus at Cook County Jail?

**A Yes, that's correct.**

Q And as -- in your capacity with Cook County, at times you have walked through those two pedestrian tunnels?

**A Yes, I have walked both pedestrian tunnels.**

Q When was the last time that you

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physically walked or inspected the two pedestrian tunnels leading from the RTU building at the jail?

**A Monday of this week.**

Q Who were you with on Monday when you physically inspected the two pedestrian tunnels?

**A I was escorted by someone from the Department of Facilities Management.**

Q And was that Mr. Tyrrell?

**A No.**

Q Who was that person?

**A I need to ask my attorney a question.**

THE WITNESS: Am I required to answer that?

MR. RADUNSKY: Yeah, you are.

BY THE WITNESS:

**A Joe Merkel.**

BY MR. MORRISSEY:

Q What time did you -- was there anybody else besides Mr. Merkel with you?

**A No.**

Q Were you escorted by any member of the Sheriff's Office?

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**A No.**

**Q** Mr. Davis, did you hear my question?

**MR. RADUNSKY:** Yeah, he responded.

**BY THE WITNESS:**

**A I said no. Sorry. Sorry, Tom.**

**BY MR. MORRISSEY:**

**Q** Other than -- I'm sorry. Other than Mr. Merkel on Monday of this week which would have been, what, about the 18th of September, anybody else that was with you?

**A No.**

**Q** Can you tell me your path of travel on Monday, September 18th?

**A I came into the building via the ramp on the east side and up into the building and through the building and out the building on the ramp on the north side.**

**Q** Let me get -- go back a step. About what time on Monday did you traverse the east ramp of the RTU building?

**A It was probably around -- between 9:30 and 10:00 a.m., something like that.**

**Q** And did you have a prearrangement with Mr. Merkel to be at the Cook County Jail

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**BY MR. MORRISSEY:**

**Q** Who did you speak with in order to set up an inspection at the Cook County Jail?

**A I spoke with Mike Carberry, who is one of the DFM managers at the DOC.**

**Q** Did you tell Mr. Carberry why you wanted to inspect a portion of the Cook County Jail?

**A I don't remember if I did or not. I don't think so, but I don't remember.**

**Q** Was it prearranged that Joe Merkel would meet you on Monday morning?

**A No, I just needed somebody from DFM to walk me through. You need to understand, I walk through the jail at a variety of times and purposes. I have a 24-hour all-access pass and I go there for any number of the projects at the campus that I'm involved in. So I walk through the jail above and below ground fairly regularly.**

**Q** When you say that you frequent the jail on a regular basis, how often are you in the Cook County Jail building?

**A It varies a great deal. Usually**

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on that date?

**A I had contacted DFM, and Joe was the person who was available to escort me.**

**Q** When did you contact the Department of Facilities Management to inspect the jail?

**A I believe I just called him the week before.**

**Q** Was that by -- did you set it up by an e-mail?

**A No, by phone.**

**Q** Did you speak with Mr. Tyrrell --

**A No.**

**Q** -- in order to set up this -- well --

**A No, I spoke with --**

**MR. RADUNSKY:** Hold on, Eric. Eric, Eric, Eric, let Tom finish his question. I know you're going to anticipate some of his questions. Okay? It's okay. I mean, just let Tom finish, and Tom will let you do the same.

So, Tom, if you want to start that again, go ahead.

**MR. MORRISSEY:** Sure.

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**only if I need to go see something in person that's going on or sometimes I go to walk through a site to, you know, inspect the progress of a project or if one of the project directors or project managers has a question, something they want me to see. It varies greatly. But whenever I need to go to the jail, I go to the jail.**

**Q** On Monday, September 18th, did you go to the jail to inspect the east ramp leading from the RTU building?

**A I wouldn't say it was an inspection. I wanted to walk through it to refresh my memory. There is another project going on that I really needed to look at over there, so I just went to both on the same trip.**

**Q** Did you also during that inspection on Monday want to visualize and inspect the north ramp leading from the RTU building?

**A Yeah, I walked through the ramp. I wouldn't say I inspected it but I walked through, yeah.**

**MR. RADUNSKY:** That was my only objection is, I mean, he's calling it a

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walkthrough. You're calling it an inspection.

BY MR. MORRISSEY:

Q What other purpose did you have on Monday, September 18th, to be at the jail?

A I'm not sure that's relevant. You know, we have a lot of things going on at the jail that are confidential.

THE WITNESS: So I would ask my counsel is it okay to get into those specifics?

MR. RADUNSKY: I mean, you're right. It's not relevant but, I mean, you can be very brief if you just want to tell him what other things you were doing, that's fine.

BY THE WITNESS:

A I went to walk the site where we have demolished Division 1 at the north end of the jail.

BY MR. MORRISSEY:

Q Prior to arriving on September 18th at the Cook County Jail, had you communicated with your attorney about this case?

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BY MR. MORRISSEY:

Q When did you meet with the attorney?

A I don't remember. It's in my calendar somewhere. I don't remember.

Q Was it within the last week?

A Yeah. We -- I believe we talked earlier this week, yeah.

Q Was it in person or on Zoom or on the phone?

A No, it was virtual.

Q And any other time that you met or spoke to an attorney about the Westmoreland versus Dart case?

A Yeah, I think we talked a couple of weeks ago. There are a lot of actions going on as you're well aware. So I tried to remember the specifics for this one but I believe so, yeah.

Q Now, you mentioned on Monday that -- when you first walked through the east pedestrian ramp, were you leaving the RTU building and going up the east ramp?

A No, I was going into the RTU building, up the ramp and then through the

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MR. RADUNSKY: Objection. That's attorney-client privilege. Don't answer it.

BY MR. MORRISSEY:

Q My question is did you have -- did you speak to any member of -- let me rephrase the question.

MR. RADUNSKY: Okay.

BY MR. MORRISSEY:

Q In preparing for this deposition, did you meet with any attorney?

MR. RADUNSKY: Objection. That's attorney-client privilege. Just meet with any attorney?

MR. MORRISSEY: I'm not suggesting -- I'm not asking what --

MR. RADUNSKY: That's fine. If you want to ask him if he's met with an attorney, no, that's fine. That's fair. You can answer if you met with an attorney, yeah.

BY THE WITNESS:

A Yeah, I met with an attorney prior to this deposition. Yeah.

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building and then out the ramp on the north.

Q Okay.

A Or, actually, out the tunnel connection. I should be clear. The tunnel connection on the north.

Q Let me go back a step. Is the -- you mentioned that you walked through initially the east pedestrian ramp for the RTU, correct?

A Correct.

Q And were you in a tunnel? Did you have to access that east pedestrian ramp for the RTU from a tunnel?

A Yeah, from the underground tunnel system at the jail, yes.

Q Describe what part of the jail you entered initially on Monday.

MR. RADUNSKY: I think he just did, but you can answer it again.

BY THE WITNESS:

A I came through the tunnel and went up into -- I'm not clear about what you're asking.

BY MR. MORRISSEY:

Q You know, to enter the Cook County Jail, did you come in off of 27th and

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California?

**A** I came in at Post 5 on California, which is my usual access point for that part of the jail.

**Q** Where is Post 5?

**A** Post 5 is on California Avenue immediately south of the Criminal Court Administration Building or what we call the CCAB.

**Q** After you walked through Post 5 --

**A** Yeah.

**Q** -- what area did you initially walk through in order to arrive at the east/west tunnel?

**A** I went -- go ahead.

**Q** Give me your path of travel from the point you entered the jail at Post 5 and I assume you went through a security check there, correct?

**A** Yes.

**Q** And then you exited out in the open then, correct --

**A** Correct.

**Q** -- after Post 5?

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THE WITNESS: I want to ask my attorney is this relevant? And I apologize --

MR. RADUNSKY: Just tell him the route that you took to get to the two ramps, yeah. I mean, he just wants to know the route. I mean, he knows you were out there. So if you can, to cut out a lot of this, you can explain to him, I mean, the exact route that you took to get there and be as specific as you can. I think that that will get us past all of this much quicker, okay?

THE WITNESS: Yeah.

MR. RADUNSKY: So go ahead.

BY THE WITNESS:

**A** I met Joe in the lobby. He spoke with the deputies at the desk. They let us through. I went into the Cermak building with Joe. I took the elevator down, and we walked through the lower level of Cermak to the tunnel and then went into Division 8.

MR. RADUNSKY: Thanks.

BY MR. MORRISSEY:

**Q** From the lower level of Cermak, does

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**A** Yes.

**Q** And from walking out of Post 5, the security checkpoint --

**A** Yeah.

**Q** -- where did you walk to next?

**A** I walked to the Cermak Health Services building, and I waited in the lobby there to meet Joe.

**Q** And in relation to the RTU, is the Cermak Health Service building to the east of the RTU?

**A** Yes.

**Q** And is it -- and if you are to walk from the entrance from the Cermak building to the RTU building, would you be walking north, northwest?

**A** More west than north. If you're walking at grade, yeah, more west than north.

**Q** When you entered the Cermak facility on the first floor, did you wait in the vestibule for Mr. Merkel?

**A** Yes.

**Q** And after Mr. Merkel arrived, where did you go to next?

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that connect to a tunnel?

**A** Yeah, it connects to the tunnel on the lower level.

**Q** Approximately from the -- when you exited the Cermak building on the lower level --

**A** Yeah.

**Q** -- and walked to the, I believe it would be, the top of the east pedestrian ramp leading into the RTU, approximately how many feet would that be?

**A** There, from the inside of Cermak through to the tunnel to the bottom of the ramp leading on the east side, oh, gosh, let's see. I don't know, 100 feet, 150 feet, 200 feet, something like that.

**Q** Let me -- I'm trying to understand the two pedestrian ramps. One is what you described as the east ramp. The other one you described as the west ramp, correct?

**A** No, it's the east ramp and then there's a tunnel connection on the north that isn't a ramp.

**Q** Well, the diagram, the exhibit we

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1 looked at, Exhibit 3 for the RTU building, do  
2 you want me to go back and describe it to you?

3 **A Yeah, sure.**

4 **Q If we go back to Exhibit 3 --**

5 **A Sure.**

6 **Q -- it discusses two pedestrian**  
7 **tunnels connecting to adjacent buildings?**

8 **A Uh-huh.**

9 **Q One of those tunnels you said was the**  
10 **east pedestrian tunnel -- I'm sorry -- east**  
11 **pedestrian ramp, correct?**

12 **A Yeah, the one on the east is a ramp,**  
13 **yes.**

14 **Q And the one on the north you describe**  
15 **as a tunnel?**

16 **A Yes.**

17 **Q What is the difference?**

18 **A The difference in terms of the**  
19 **definition relative to the Americans with**  
20 **Disabilities Act has to do with the slope of a**  
21 **walkway. The slope of the walkway in the**  
22 **tunnel connection on the north isn't steep**  
23 **enough to require things like intermediate**  
24 **landings or handrails or whatever. Sidewalks**

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1 **Q Within the last year, has any**  
2 **architectural firm --**

3 **A Not that I'm aware of.**

4 **Q -- measured the rise of what you**  
5 **described as the north tunnel?**

6 **A Not that I'm aware of.**

7 **Q Do you know if any outside surveyor**  
8 **has ever measured the rise of the north tunnel?**

9 **A I don't know of anybody doing that.**

10 **Q Do you know of anybody for the**  
11 **Sheriff's Office or Cook County measuring the**  
12 **rise of the north tunnel?**

13 **A I don't know, no.**

14 **Q In regards to what you labeled as the**  
15 **east pedestrian walk, same questions. Did you**  
16 **on Monday of last -- of this week measure the**  
17 **rise of the east pedestrian walkway?**

18 **A I did not measure the rise of the**  
19 **east pedestrian ramp, no.**

20 **Q Do you know if any architectural firm**  
21 **within the last two or three years has measured**  
22 **the rise of the east pedestrian ramp?**

23 **A I am not aware of that having**  
24 **occurred.**

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1 **and that are allowed to be -- have a pitch to**  
2 **them up to a 1 to 20 pitch without requiring**  
3 **ramps or -- I'm sorry -- landings or handrails.**  
4 **And clearly, that tunnel isn't steep enough to**  
5 **require that.**

6 **Q Did you measure what you described as**  
7 **the north tunnel, the rise of the north tunnel?**

8 **A No.**

9 **Q Did you take any measurements that**  
10 **day?**

11 **A No.**

12 **Q Have you ever taken measurements of**  
13 **what you describe as the north tunnel?**

14 **A No.**

15 **Q Do you know if any member of the**  
16 **Department of Facilities Management has ever**  
17 **measured the rise of what you described as the**  
18 **north tunnel?**

19 **A I have no idea if they have or not.**

20 **Q Do you know if any architectural firm**  
21 **has ever measured the rise of what you**  
22 **described as the north tunnel?**

23 **A You mean since it opened? I am not**  
24 **aware of that, no.**

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1 **Q Are you aware of anybody from Cook**  
2 **County government measuring the rise of the**  
3 **east pedestrian ramp?**

4 **A Not that I can recall, no, but I**  
5 **don't know. I mean Cook County government is**  
6 **thousands of people. I don't know.**

7 **Q Do you know if anybody from the**  
8 **Sheriff's Office has measured the rise of the**  
9 **east pedestrian ramp?**

10 **A I have no idea.**

11 **Q What is your definition --**

12 **MR. RADUNSKY: Tom, if we're not**  
13 **sharing the screen, do you want to turn it**  
14 **off because it's easier to see. I mean, if**  
15 **you want to still share it, that's fine. I**  
16 **mean, I'm just telling you. It's just**  
17 **easier if it's off we can see better.**

18 **MR. MORRISSEY: I'm going to share**  
19 **more exhibits.**

20 **MR. RADUNSKY: Okay. That's fine.**  
21 **Go ahead.**

22 **THE WITNESS: Although it looks like**  
23 **a nice place to ski.**

24 **MR. RADUNSKY: I know, yeah.**

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BY MR. MORRISSEY:

Q Did you -- were you asked -- let me rephrase the question.

I'm going to show you Exhibit Number 10. Showing you Exhibit Number 10, do you see a drawing of what's labeled as the east tunnel corridor?

A Yes, I see that.

MR. RADUNSKY: For the record, it's Bates 2201.

BY MR. MORRISSEY:

Q Let me show you Exhibit Number 11 now. Let me ask a question about Exhibit Number 10. What -- did you -- when was the first time that you actually looked at Exhibit Number 10?

A I think this was in material that Troy forwarded in connection with this case.

Q Do you know if Cook County government maintains any architectural drawings in regards to the RTU building?

A I believe it does.

Q As the deputy director of Capital Planning and Policy, do you have access to the

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the architectural drawings for the -- for a county building, are they provided to Capital Planning at any stage in the process?

A Generally, although it's been our -- and we haven't obviously erected a lot of new buildings since I have been with the County, but standard practice is to give all of that stuff to Facilities Management because, as I said, they run the building then and so they need that information more than we do.

Q Would the pedestrian ramps that connect the RTU to the remaining campus at the Cook County Jail also be -- architectural drawings also be in the possession of the Department of Facilities Management?

A I think probably so, yeah.

Q Looking at Exhibit Number 10, can you tell me what this exhibit portrays?

A It appears to be an excerpt from a general architectural floor plan drawing showing an area -- I don't see a north arrow but just from the orientation of the labels, I'm assuming north is up in this image and it indicates the internal corridor, and the top

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drawings for the RTU building, the architectural drawings?

A If needed.

Q How would you as -- in your position with Cook County locate the architectural drawings for the RTU building?

A Standard practice, and we pretty much follow it as well, is that drawings of this are either with the building engineer or they are in a central location. In this case, I think that they are probably with DFM in the sort of central drawings repository at the juvenile temporary detention center.

Q So why would the Department of Facilities Management, which is part of Cook County government, correct?

A Uh-huh, yes.

Q Why would the Department of Facilities Management maintain a copy of the architectural drawings of the RTU?

A They're managing the buildings. They need to know what the buildings are.

Q When a county government building is erected, let's say, after let's say 2010, are

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right indicates the beginning of the access to the tunnel to the east.

Q So when we look at the end, would these be the final blueprints that were used to construct this east tunnel corridor?

A Yeah, probably so.

MR. RADUNSKY: I was going to say when you say "the final blueprints," are you saying the as-built drawings or the design or the construction drawings? But, Eric, you answered. That's fine he answered.

BY MR. MORRISSEY:

Q If you look at the top of Exhibit Number 10 where it says: East tunnel --

A Correct.

Q -- is that the area in which you would have entered the -- would have descended to go into the RTU building on Monday, September --

A Would have taken -- it looks like that's where the ramp is, yeah. I cannot see the plan of the whole building, but I assume that's the ramp connection -- or the tunnel

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connection there, yeah.

Q So you would have left the basement of the Cermak Health facility, walked through the east tunnel to get to this -- the top of this ramp, correct, which is labeled the east tunnel corridor?

A I would have left the Cermak building. I would have walked through the tunnel to the bottom of the ramp and entered the building, yes, there where you're indicating. Yeah.

Q So right where I'm indicating where it says: East tunnel at the top. The ramp descends, correct?

A This isn't the plan of the ramp area.

Q I'm sorry.

A Yeah, this is -- the ramp is to the right out of the drawing.

Q Well, I'm confused. It looks like there is a -- when you go through the east tunnel for the -- when you came from Cermak and -- you went through the east tunnel, correct? And then there are a series of doors at the top, correct?

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using to indicate that that's the way to the -- that's the east tunnel to -- or connection rather of the ramp to the tunnel. So the only sloping part is at the very right end of the image where you have that line that crosses the corridor. That's the beginning of the east ramp.

Q I guess I'm confused because the representation that was given to us, that this was a diagram of the east pedestrian ramp, and this Exhibit Number 10 doesn't depict the ramp. Is that fair to say?

A I don't know where you got this from. So I can't say, you know, what somebody was asked for or what they represented that it is. I can tell you what it appears to be.

Q Well, this was produced by defense counsel and it was represented to be the east pedestrian ramp for the RTU, but it isn't. Is that what you're telling me?

A It appears that it's a little part of the east ramp.

Q Can you tell me looking at Exhibit Number 10 where would the east pedestrian ramp --

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A That's what the drawing shows, yes.

Q And then when you walked through those doors, there would be a landing at the top?

A No.

Q Flat area?

A No. The plan that you're showing is an area of flat floor that connects. On the right end is the end of the ramp to the tunnel, and so the ramp is off the page to the right. The area here is just regular floor at the lower level of Division 8. There is no ramp in this drawing other than the end of it on the right-hand side. This is the part of the floor it connects -- there's an area you could see -- there's a sliding door at the bottom at this area here on the bottom of the drawing. It's an area that connects to various other rooms. It connects to a janitor's closet. It's a standard corridor that has doors on hold-opens and then once you leave the envelope of the building, you start the ramp that goes to the tunnel. So it's the -- you know, that east tunnel appears to be something that they're

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what portion of the east pedestrian ramp is depicted in this?

A The end of the ramp that connects to the building. The wall going up and down in this drawing is the boundary, if you will, of the RTU building itself. So to the right of that wall is most likely unexcavated soil, et cetera. And on the left is inside the building. So that's -- that wall is the building line.

Q So I'm -- just looking at the top of Exhibit 10, it says east, correct?

A Yeah, that's what it says. Yeah.

Q And is the ramp at the top there at the east tunnel?

A Yeah, that's the end of the ramp.

Q The end of the ramp. All right. So the ramp would be -- if I'm looking at the top of this exhibit, it would be to the right?

A Correct.

Q So nothing depicted in Exhibit 10 reflects the ramp itself?

A No. It depicts the end of the ramp on the right-hand side. I think you can see

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1 the two little thin lines at the bottom and top  
2 by the corridor, that would appear to be  
3 depicting the ends of the handrails at the top  
4 of the ramp. So it indicates a portion of the  
5 ramp but not the whole -- there's not none of  
6 the ramp in this image, but the whole ramp is  
7 not in this image.

8 Q So you're saying that if we look  
9 right where it says: Align corridor wall with  
10 tunnel wall, to the right of that, there's a  
11 couple lines?

12 A Yeah, uh-huh.

13 Q You'd say that those are handrails,  
14 correct?

15 A That's what they appear to be, yes.

16 Q And it's your understanding that  
17 this -- that the east pedestrian ramp is  
18 compliant with the ADA; is that your  
19 understanding?

20 A It appears to, yes.

21 Q In order to be -- well, let's turn to  
22 another exhibit. Let's turn to Exhibit  
23 Number 11.

24 A Excuse me. Can I take just a moment?

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1 away in this image up the ramp, through the  
2 doors, I think, if I'm oriented the right way.

3 Q And then you would descend the ramp  
4 to get into the RTU building?

5 A I believe the ramp goes up into the  
6 RTU, but I think that's the way -- I think  
7 these doors that you're seeing here, I believe  
8 they are the doors that are in the -- on  
9 hold-opens that they showed in the plan that  
10 you're looking at, but I could have it  
11 backwards. I apologize.

12 Q So you don't recall whether or not  
13 from the basement of Cermak when you walked  
14 through the tunnel area to reach the east  
15 pedestrian ramp whether you went up or down to  
16 enter into the RTU building; is that --

17 A I think I went up and down just to  
18 have walked it more than once, you know.

19 Q But initially when you entered that  
20 tunnel, when you exited the basement of the  
21 Cermak building and walked through the tunnel  
22 to get to the east pedestrian ramp for the  
23 RTU --

24 A Yeah, yeah.

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1 I need to close the door to the room that I'm  
2 in.

3 MR. MORRISSEY: Sure. Go ahead.

4 BY MR. MORRISSEY:

5 Q Showing you Plaintiff's Exhibit  
6 Number 11, does that appear to be a fair and  
7 accurate photograph of the east pedestrian  
8 ramp?

9 A Yeah.

10 Q And if we look at the top of that, it  
11 says tunnel ramp -- tunnel camera, 0.108 CMK to  
12 RTU West 2019.

13 A Okay.

14 Q Where the doors -- at the top of the  
15 picture where the doors are, did you walk  
16 through those doors in order to -- walk through  
17 those doors when you left the -- let me  
18 rephrase the question.

19 In your path of travel from the  
20 Cermak basement, did you have to walk through  
21 the -- to the -- through the doorway?

22 A Yeah, I believe so. If this is -- if  
23 this is of that area, I believe I came from the  
24 bottom of the -- or the part that's farther

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1 Q -- you would have had to have gone  
2 down the ramp to enter --

3 A Yeah.

4 Q -- into it?

5 A Yeah.

6 Q Is that correct?

7 MR. RADUNSKY: Eric, let him finish  
8 before you respond, okay?

9 THE WITNESS: Sorry.

10 MR. RADUNSKY: It's okay. I understand.  
11 I understand what you're doing. I mean,  
12 just give Tom a chance to get the question  
13 out. It's okay.

14 BY MR. MORRISSEY:

15 Q Is that correct?

16 A Yes.

17 Q Now, again, you -- do you know if any  
18 measurements were ever taken of this ramp, the  
19 east pedestrian ramp by any member of Cook  
20 County government or the Sheriff's Office?

21 A They may have been, but I don't  
22 recall hearing -- or reading anything about it  
23 or knowing about it, no.

24 Q And no outside contractor or

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1 professional firm ever measured it to your  
2 knowledge?

3 A I couldn't say ever. Maybe. I don't  
4 know.

5 Q But not in the -- not to your  
6 knowledge in the last two or three years,  
7 correct?

8 A I don't believe so, no, but it may  
9 have been -- you know, not that I'm aware of,  
10 no.

11 Q On the east pedestrian ramp, is there  
12 an intermediate landing area?

13 A Yes.

14 Q Why is there an intermediate landing  
15 area on the east pedestrian ramp?

16 A That would suggest that the rise to  
17 the -- from the tunnel level at that point to  
18 the lower level floor in the RTU was greater  
19 than 30 inches.

20 Q Did you measure to determine whether --  
21 well, let me ask a preliminary question.

22 In the bottom picture of Exhibit  
23 Number 11, if you were to measure the rise of  
24 the east pedestrian tunnel, how would you do

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1 A Yeah, I'd probably do right down the  
2 middle, measure what -- you know, from the  
3 offset from there to the middle -- the top of  
4 the part where it slopes.

5 Q So as you descended on Monday into  
6 the RTU building from the east pedestrian ramp,  
7 are there doors at the foot of the ramp that  
8 you have to go through?

9 A I'm pretty sure there are, yeah.

10 Q And is there a flat landing at the  
11 end of the ramp?

12 A I would assume so. Again, I didn't  
13 take any measurements.

14 Q So at that landing area at the foot  
15 of the ramp before you entered into the RTU  
16 building itself, if you were to take a  
17 measurement, would you take a measure from that  
18 flat landing to the top of the east pedestrian  
19 ramp to determine the rise of it?

20 A Yeah, I would take a measurement from  
21 the point at which it begins to slope up to the  
22 top where it stops sloping right down the  
23 middle.

24 Q And if the rise from the bottom to

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1 that as an architect?

2 A I suppose it would depend upon how  
3 exact I needed to be or the purpose for doing  
4 so. If I just needed a rough idea within a  
5 couple of inches, I could count blocks. That's  
6 not a particularly accurate way to do it, but  
7 then there are tools, as you well know,  
8 including a laser level and including have it  
9 surveyed. If I needed to -- for example, if I  
10 needed to make modifications to this, do  
11 architectural drawings to change it, I probably  
12 would have it professionally surveyed.

13 Q And to your knowledge, that hasn't  
14 been done?

15 A I'm sorry?

16 Q That has not been done?

17 A I'm not aware that it's been  
18 surveyed, no.

19 Q Would you -- if you were to  
20 commission an architect or a surveyor to do  
21 that, would you measure it from the bottom of  
22 the east pedestrian ramp which is -- the bottom  
23 of it would be the lower level of the ramp,  
24 correct, which is the flat area, correct?

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1 the top exceeded 30 inches, then you would --  
2 then the ramp would require an intermediate  
3 landing, correct?

4 A That's correct and I think if you  
5 look to the left in this picture, you can see  
6 that the handrail jogs at what to me seemed to  
7 be an intermediate landing. You can see that  
8 the handrail is not straight. It comes up on  
9 an angle, it flattens out and then it angles up  
10 again. So that suggests that there's an  
11 intermediate landing there.

12 Q Are there requirements for an  
13 intermediate landing under the ADA?

14 A For a rise greater than 30 inches,  
15 yeah.

16 Q What are the requirements for the  
17 intermediate landing?

18 A I believe that -- and I would have to  
19 check, I believe that the standard is supposed  
20 to be 60 inches of flat space, and there are  
21 allowances for what are called cross-slopes and  
22 that kind of thing, but I believe it's 60  
23 inches.

24 Q And did you measure on Monday to

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1 see -- let me ask a preliminary question.

2 Did you take any measurements of what  
3 you claim was an intermediate landing on the  
4 east pedestrian ramp to see whether the  
5 required 60 inches of space was provided?

6 MR. RADUNSKY: Objection, it's been  
7 asked and answered multiple times, Tom, I  
8 mean, he's told you that he didn't take  
9 measurements when he did this walkthrough.  
10 So, I mean, you keep asking him and he  
11 keeps saying no. So we'll stipulate that  
12 he didn't take measurements when he was out  
13 there the other day on any of these ramps  
14 for any reason.

15 BY MR. MORRISSEY:

16 Q To determine whether or not -- let me  
17 ask a preliminary question.

18 It's fair to say that if the rise of  
19 the east pedestrian ramp was over 30 inches,  
20 there would have had to have been an  
21 intermediate ramp, correct?

22 A There should be, yes.

23 Q I'm sorry. Let me rephrase my  
24 question. There should have been an

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1 intermediate landing to the top of the  
2 pedestrian ramp to take another reading of that  
3 rise, correct?

4 A Yes.

5 Q And would that be an appropriate  
6 measurement for an architect or a land surveyor  
7 to take to determine whether or not this ramp  
8 complied with the ADA 2010 standards?

9 A There might be other measurements one  
10 would want to take. As I mentioned, there are  
11 allowances for things called cross-slopes that  
12 allows a landing to pitch one way or the other  
13 a little bit. So I would probably want to know  
14 more. I probably would want to know what the  
15 whole configuration was, again, if I needed to  
16 rebuild or modify the ramp.

17 Q Do you know if the intermediate  
18 landing pitched either way, whether there was  
19 any pitch to the intermediate landing?

20 A It appeared that there might have  
21 been but, again, I didn't take any  
22 measurements.

23 Q Going back to March of 2021, we  
24 talked about there being some e-mails that were

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1 intermediate landing, correct, if the rise of  
2 the ramp was more than 30 inches, correct?

3 A Yes. There should be an intermediate  
4 landing. And as I said from the handrail in  
5 this picture, it appears that there is.

6 Q And the intermediate landing requires  
7 at least 60 inches of space, correct?

8 A I believe that's the standard, yes.

9 Q And if the intermediate landing  
10 didn't have 60 inches, fell below the 60 inches,  
11 it may not be in compliance with the 2010 ADA  
12 code, correct?

13 A If that was the case.

14 Q Assuming that there is that  
15 intermediate landing, the -- you could measure  
16 the -- from the foot of the ramp, correct, to  
17 the beginning of the intermediate landing to  
18 determine that rise, correct?

19 A Yes.

20 Q That's one measurement that an  
21 architect or a surveyor could take, correct?

22 A Correct.

23 Q And then from the -- you can take  
24 another measurement from the end of the

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1 exchanged between, I guess, Mr. Tyrrell and you  
2 in regards to ramps, correct?

3 A I believe there were some e-mails  
4 that I was copied on, yes.

5 Q And there are e-mails that you  
6 provided to Mr. Tyrrell and Ms. Sabrina  
7 Canchola and other members of the Sheriff in  
8 Cook County government in regards to the ADA  
9 requirements, correct?

10 A I believe, yeah, there were some  
11 replies. I'm not sure if they were about this  
12 ramp or about Cermak or both, but I believe so,  
13 yes.

14 Q And in we go back, before we get to  
15 the e-mails, if we go back to that Interrogatory  
16 Number 1 that you answered under oath, Number 3  
17 discusses an e-mail. Interrogatory Number 3,  
18 if you want to take a look at it -- I'm sorry.  
19 Let me see.

20 MR. RADUNSKY: I'm sorry. What  
21 exhibit is this, 1?

22 MR. MORRISSEY: It's Exhibit 1.

23 MR. RADUNSKY: I thought Exhibit 1  
24 was the answer to the complaint. Did I

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miss that?

MR. MORRISSEY: I'm sorry.

MR. RADUNSKY: That's okay. That's okay.

MR. MORRISSEY: It's Exhibit 2. I'm sorry.

MR. RADUNSKY: Okay. Hold on.

BY MR. MORRISSEY:

Q All right. Looking at Interrogatory Number 2 that you verified for Cook County, if we go to Paragraph 3, it says: On March 8th, 2021 at 2:53, Timothy Tyrrell wrote the following in an e-mail: Also I checked the ramp from the same tunnel going into the basement of Division 8. This appears to be slightly out of compliance. I can show you or Sabrina this as well. Looks to me like whoever did the concrete work is to blame for this. Might want to add this one in as well if County is having someone make these ADA compliant. Let me know if you need anything further. And then it says: Identify with reasonable specificity the ramp referred -- referenced in this portion of Mr. Tyrrell's e-mail. The

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know, whatever, and he responded, which is what I thought, he has no expertise to make that kind of an evaluation, so...

Q All right. Well, Mr. Tyrrell, is he the manager of Facilities Management for the Cook County campus?

A He's one of -- he's a manager, not the manager. There are multiple managers.

Q What's his title with Cook County if you know?

A I don't -- I don't remember his specific title.

Q When did you have that conversation with Mr. Tyrrell?

A Oh, probably within -- probably within the last couple of months or something, I suspect, you know, or proximate to the time we started getting questions about this. I don't know. I couldn't say.

Q What have you done after having that conversation with Mr. Tyrrell to determine whether or not his observation was correct that the east pedestrian ramp is out of compliance with the ADA?

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answer is: The ramp is the east of the RTU in the underground tunnel system.

My question is when you made that -- when you verified that answer for Cook County, were you referring to the ramp that we have just discussed, the east pedestrian ramp leading into the RTU?

A Yes.

Q After receiving that e-mail from Mr. Tyrrell, did you talk to him about why he thought the east pedestrian ramp to the RTU was slightly out of compliance with the ADA?

A I don't remember speaking to him about it. As I recall, this was actually part of an exchange about the Cermak ramp, and he just sort of added this in. So I probably didn't talk to him about it at the time.

Q Since that time, have you talked to Mr. Tyrrell about his observation that the east pedestrian ramp was not in compliance with the ADA?

A Yeah. I talked to him about it in passing, and he responded to me because I probably -- he had been deposed or, I don't

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A So the County is developing a request for qualifications and hopes to issue it very soon for the assessment of the entire campus except for the Cermak building and the Leighton Criminal Courthouse, which you might call a wraparound assessment of the entire campus, which would include this ramp. When we have that firm on board, they would be doing things like, you know, getting -- digging at a very specific level to do things like measure this particular ramp. If they feel that they need to survey it, they will have them survey it. So we are moving to contract someone to give us definitive third-party answers to all of these questions.

Q You were deposed several times before about this request for qualifications for an architectural firm, correct?

A I believe I was deposed in connection with the Cermak facility, which is not part of what I just referenced.

Q Has there been an architect retained pursuant to request for qualification for the Cermak ramp?

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MR. RADUNSKY: Cermak or RTU? I think you just got confused, Tom.

BY MR. MORRISSEY:

Q You do a distinction, Mr. Davis, in regards to a request for qualification, and you excluded the Cermak ramp, correct?

A In the wraparound assessment that I referred to, yes, I'm including Cermak because we've already hired someone to do Cermak and they're working right now.

Q So that -- when you do a request for qualifications, that has to go to the County board initially, correct?

A At the time that they're contracted, yes.

Q And then is there another step before that architectural firm can be hired?

A To be clear, the request for qualifications is issued by our procurement department. Upon completion of the standard procurement process and the identification of a successful vendor and their fees, that proposed contract is brought to board of commissioners who votes to approve the contract. There are

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BY THE WITNESS:

A We hired a firm specifically for the Cermak facility. We are also doing a wraparound for the balance of the DOC campus, again, separate from the Leighton Criminal Courthouse because that's another assessment.

So there actually will be three different contracts involving assessment of facilities on the DOC campus -- on the 26th and California campus. The largest one by far will be the one that I was referring to that will include the RTU.

But to your question about the time, yeah, generally in the marketplace, you want to have an RFQ out on the market around a month, sometimes maybe six weeks depending upon how complex something is.

Q How long was the request for qualifications in regards to Cermak?

A I think it was out a month. I would be surprised if it was less than that. I don't recall the exact dates but I would be surprised if it was less than a month.

Q And how long did it take before the

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some procedural elements after the board approval that are required to be conducted prior to issuing a notice to proceed, you know, for a particular contract, but I can say that in the case of Cermak, that has been awarded. They have been issued the notice to proceed. They are working right now.

Q How long did the process take with Cermak when -- from the time that there was a request for qualifications to -- that goes out to the public? It's a public bid, correct?

A Yes, it's a public bid. It's a --

Q And how long with Cermak, just to get a gauge of what we're looking at, in regards to the request for qualifications for the RTU?

A So --

Q Let's look at how long it took for the request for qualifications as far as the Cermak building because it was my understanding before that was a request that included the entire DOC campus; isn't that correct?

A No, that's not correct. No.

MR. RADUNSKY: No.

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board -- from the time the request for qualifications went out until the board approved the contract for the winning architect, how long did that take?

A I would have to check my records. I don't recall. It's multiple months.

Q Was it more than a year?

A I don't think it was quite a year, no. It was awhile but it wasn't quite a year. No, I don't believe it was a year.

Q And then you say after a contract is awarded, there's still other procedural hurdles before the architectural firm can begin marketing?

A They're relatively brief. There are things like having the State's Attorney double-check the language of the contract. There are a couple of things that have to be done by budget but they're relatively brief before we issue a purchase order to the vendor and then issue a notice to proceed.

Q So as I recall, I deposed you in January of 2022 and you talked about this request for qualifications for an architectural

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1 firm, and we're in -- we're almost two years  
2 out now, and there hasn't been any work  
3 performed by an architect to determine whether  
4 the Cermak ramp is compliant with the ADA; is  
5 that fair to say?

6 MR. RADUNSKY: Just hold on,  
7 objection. I mean, that relates to the  
8 walker case and you asked all of those  
9 questions in the walker case. The Cermak  
10 ramp is not what we're talking about here  
11 today, so just object to relevance.

12 MR. MORRISSEY: Well --

13 MR. RADUNSKY: Let me finish my  
14 objection.

15 MR. MORRISSEY: Sure. Go ahead. I'm  
16 sorry.

17 MR. RADUNSKY: I just object to  
18 relevance. If you're trying to get at how  
19 long is it going to take under the current  
20 RFQ for them to finally come out and  
21 inspect it and we're talking about the RTU  
22 ramp, that's different. So that's my  
23 objection, Tom.

24 MR. MORRISSEY: All right. That's

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1 protocols for this RFQ; is that correct?

2 **A Gosh, I'd have to -- I don't know**  
3 **what you're specifically referencing. During**  
4 **my six years at the county, yes, the chief**  
5 **procurement officer has changed. I don't know**  
6 **when you're referring to specifically although**  
7 **when -- not that long after the new CPO came**  
8 **in, we did do a -- we did change the process**  
9 **for those procurements, but I don't know when**  
10 **you're specifically asking about.**

11 Q Would you agree that the extent of  
12 the assessment that the new RFQ will cover will  
13 be much more complicated than just assessing  
14 one ramp or the Cermak ramp?

15 **A Yes, it will be very large. There**  
16 **are approximately 60 buildings involved.**

17 MR. RADUNSKY: Can we take a break in  
18 like two minutes? Go ahead, Tom.

19 MR. MORRISSEY: If you want to take a  
20 break --

21 MR. RADUNSKY: Do you want to do it  
22 right now? That's fine.

23 MR. MORRISSEY: Do you want to go to  
24 lunch or is that -- a lunch break?

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1 fine.

2 BY MR. MORRISSEY:

3 Q Is it fair to say that we're about at  
4 least 18 months later for the Cermak assessment  
5 of that ramp from the point at which the RFQ  
6 was released?

7 MR. RADUNSKY: Same objection to  
8 relevance. You can answer, Eric.

9 BY THE WITNESS:

10 **A I don't know. I don't believe the**  
11 **Cermak one had been issued when you deposed me**  
12 **in January of '22. I believe it was advertised**  
13 **later in 2022. I would have to check, but I**  
14 **believe that it had, at that time, that we were**  
15 **looking to get that or it may have even been in**  
16 **procurement being evaluated but hadn't been**  
17 **advertised to the street yet. I don't think it**  
18 **was out to the street yet in January of '22.**  
19 **The procurement process before hitting the**  
20 **street can take awhile.**

21 Q As I recall from your prior  
22 deposition that there had been a change in the  
23 head of the procurement office for the Cook  
24 County government, and they were developing new

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1 MR. RADUNSKY: Well, let me ask you a  
2 couple of things. I mean, how much longer  
3 do you think you're going to go and then  
4 maybe we can make that decision?

5 MR. MORRISSEY: Maybe I got about an  
6 hour and a half because I think -- go off  
7 the record.

8 (WHEREUPON, a short  
9 break was had.)

10 MR. MORRISSEY: Let's go back on the  
11 record for Mr. Davis' sake.

12 BY MR. MORRISSEY:

13 Q Previously you said that if you were  
14 to measure the east pedestrian ramp, you would  
15 do it down the middle of the ramp, correct?

16 **A Yeah.**

17 Q And would you use a tape measure or a  
18 laser?

19 **A It depends, again, as I think I said**  
20 **before, it depends on the use. If I just**  
21 **wanted to get a pretty good understanding of**  
22 **the reality, I might use a laser level; but**  
23 **otherwise, I would probably hire a professional**  
24 **surveyor to do it.**

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Q Let's assume that the floor at the foot of the ramp was not level, perfectly level --

A Okay.

Q -- would that perhaps throw off the calculation with the laser?

A I wouldn't think so, no.

Q Why -- is there any standard in the architectural field in regards to how to measure the rise of a ramp, whether to do it in the center or along the sides of the ramp?

A I don't know that there is anything that I would characterize as a standard in the profession. Most of the time when we do drawings of things like a ramp, we give an indication in the plan of the direction of the ramp with an arrow, and that's usually right down the middle of the ramp. And then you would show spot grades at the top and bottom to indicate what you want to -- you want to go from this elevation here to this elevation here.

Q Could there be variants on a ramp whether -- as far as the rise whether it's

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could vary more than an inch and still be within the standards for a cross-slope on a ramp.

Q But that's for an exterior ramp.

A No, it's for a ramp. They don't differentiate. The code does not differentiate.

Q Would it make more sense since this is for the ADA to measure the rise of the ramp along the side where the railings are?

A You're asking me what the code says. I'm telling you what the code says.

Q So what you're saying is the code is silent in regards to where on a ramp you would measure the rise; is that fair to say?

A Correct. I think that's fair to say, yeah.

MR. RADUNSKY: Can I just ask, I mean, which code you were referring to just for the record.

MR. MORRISSEY: I'm referring to the ADA.

MR. RADUNSKY: Okay. I didn't know what year. I'm sorry. Obviously it's ADA.

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measured in the middle or either the right or left side of the ramp?

A Of course. If there are --

Q Could that variance be as much as a half inch?

A I would say definitely, so it depends on the width of the ramp. The ADA allows what's called cross-slope. So you have to understand that the standards for ramps are written for both interior ramps and exterior ramps. And an outside ramp, in the presence of rain, needs to drain. So the ADA recognizes that ramps can vary and slope slightly so that water drains off so that ice doesn't collect. It's really only one standard though. It's the same standard for an inside ramp as an outside.

So the answer would be, yes. It could be at a varying height at the top within, I believe, it's 148 is the standard for cross-slopes. So if you had a four-foot wide ramp, which you wouldn't because ramps are usually five-foot wide. But if you had a four-foot wide ramp, it could vary up to an inch. If it was more than four-foot wide, it

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What year, the 2010?

BY MR. MORRISSEY:

Q Is there any difference in regards to the measurement -- where to measure a ramp as far as measuring the rise between the 1991 standards and the 2010 standards to your knowledge?

A I'm not aware of either one stipulating where you make such a measurement. I'm telling you the architectural convention [sic] because it gets drawn that way is to do it down the middle of the ramp just because that's the most convenient place to put the arrow. But I don't believe that that's responsive to any -- I'm not aware that that's responsive to any code stipulation as to where you measure a ramp.

Q Now, is there a -- in regards to handrails --

A I want to clarify something in a previous answer. I said architectural convention. I mean architectural convenience. It's easier to put it in the middle of the ramp. It's not a standard or anything like

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1 that. Sorry. Go ahead.

2 Q In regards to the east pedestrian  
3 ramp for the RTU, because it's more than  
4 6 inches, the ramp, there's a requirement that  
5 there be handrails, correct?

6 A Yes.

7 Q And how far do the handrails have to  
8 extend beyond the top of the ramp?

9 A Typically, it's 12 inches beyond the  
10 bottom of the ramp. The answer is it depends.  
11 Some jurisdictions have different requirements  
12 that may extend that, but typically it's  
13 12 inches, I believe.

14 Q So would it be 12 inches that the  
15 handrails have to extend 12 inches beyond where  
16 the bottom of the ramp ends?

17 A Beyond the sloping part, if you want  
18 to say it that way, yeah.

19 Q So the handrails have to extend at  
20 the bottom of the ramp where it's flat, where  
21 it begins to be flat, correct?

22 A Correct.

23 Q And would that also be true at the  
24 top of the ramp?

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1 then the handrails wouldn't be in compliance,  
2 correct, with the ADA code?

3 A Hypothetically, that would probably  
4 be the case there. Again, there are some other  
5 factors like the cross-slope and blah, blah,  
6 blah but, you know, where the break is, et  
7 cetera. But, in general, yeah, I would say so.  
8 That's one of the reasons that we're hiring  
9 people to get definitive answers to these kinds  
10 of things.

11 Q In March of -- we already talked  
12 about it. In March of 2021, one of the  
13 managers for the Department of Facilities  
14 Management told you that the -- this east  
15 pedestrian ramp did not appear to be compliant.  
16 My question is why 18 months later has Cook  
17 County, to your knowledge, not done anything to  
18 determine whether or not Mr. Tyrrell is correct  
19 that the east pedestrian ramp is not compliant  
20 with the ADA code?

21 A I disagree with the characterization  
22 that the County has done nothing. As I said,  
23 we've been developing an RFQ, which as we  
24 discussed earlier, would be by far the largest

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1 A Yes.

2 Q That the handrails have to extend  
3 12 inches beyond the flat area where the flat  
4 area begins?

5 A Yes.

6 Q Now, when you were inspecting or  
7 walking through on Monday the east pedestrian  
8 ramp, did you notice where the handrails end at  
9 the top of the ramp of the east ramp?

10 A They appear to extend at least  
11 12 inches past the top of the sloping part of  
12 the ramp.

13 Q Did you take any measurement or  
14 anything?

15 A No.

16 Q How about on Monday, did you happen  
17 to notice whether the handrails extend 12 inches  
18 where the bottom of the ramp levels off and is  
19 flat?

20 A It appeared to also be 12 inches  
21 beyond the end of the sloping part.

22 Q If your assumption is incorrect and  
23 the handrails at the top and the bottom of the  
24 east pedestrian ramp do not extend 12 inches,

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1 of the assessments that we've been doing on our  
2 facilities. It takes awhile, but we have been  
3 developing the wraparound assessment of the  
4 DOC. So I don't accept your characterization  
5 that the County has done nothing since then.

6 Q And other than requesting a request  
7 for a proposal from -- I'm sorry -- request for  
8 qualification -- Let me go back.

9 Has that request for qualifications  
10 been issued by the procurement office?

11 A Not yet. We're actually -- we're  
12 getting it out to them to start their process  
13 here very soon. It's been, as you could  
14 imagine, a very complicated development, but we  
15 are looking to have them get that out -- or get  
16 it to them so they can review it and they can  
17 get it out in the next month or two.

18 Q So Capital Planning has to prepare  
19 that request for qualifications, correct?

20 A That's correct.

21 Q And then that will take a month or  
22 two for Capital Planning to prepare the request  
23 for qualifications?

24 A I believe you mean to ask will it

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1 take the procurement department a month because  
2 if we issue it to them today, it would take --  
3 to procurement today, it would take them one,  
4 two, three months depending on the size and  
5 complexity of their workload to actually issue  
6 it to the street.

7 Q But as of today, Capital Planning  
8 hasn't forwarded the proposal to procurement to  
9 request a request for qualifications to  
10 licensed architects; is that fair to say?

11 A It's 99 percent done. There are a  
12 couple of things involving forms and things  
13 that we have to fill out for transmittal that  
14 I've got to review and get them out, but I'm  
15 expecting to have it to procurement even  
16 frankly in the next few days.

17 Q And then it could be to the end of  
18 this year when the request for qualifications  
19 actually is issued to the public?

20 A I would expect it would get issued  
21 probably end of October, beginning of November.

22 Q And then that -- because it's a  
23 complex request involving multiple buildings,  
24 correct, how much time are you going to allow

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1 tunnel. I'm going to call it a ramp.

2 A I believe when I exited the top of  
3 that ramp, I think you turn right. If I  
4 remember, I think you turn right and then you  
5 go through the doors that are in that plan  
6 excerpt that you have and you go down that  
7 corridor and then you go -- or, no, it might  
8 be -- no, I take that back. It might be left.  
9 I would have to see. Out of there, it might  
10 be -- I believe it's left. Yeah, I'm pretty --  
11 okay. Yeah, I'm turned around. Yeah, I  
12 believe it's left at that point.

13 Q So I'm correct, on Monday, you walked  
14 out of the basement of Cermak, you went through  
15 a tunnel and then you reached the top of the  
16 east pedestrian ramp, correct, and you decided --

17 A No.

18 Q -- and you descended that ramp?

19 A No.

20 Q No?

21 A No. I came from the -- I walked -- I  
22 walked through the east ramp. I believe I went  
23 back and forth once, and then into the RTU and  
24 then out the north entrance, the north tunnel

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1 the public to review and determine whether or  
2 not they want to submit their qualifications.

3 A We'll probably allow at least a  
4 month, probably six weeks given the size of it.  
5 There are -- as you know, we have done, are  
6 doing -- and are doing several of these and  
7 have hired and actually, as we're talking right  
8 now, hired two other firms to do other reviews  
9 of other County facilities at today's Cook  
10 County Board meeting.

11 We want to make sure we are  
12 advertising as broadly as possible and  
13 sometimes it takes awhile for word to reach,  
14 you know, big national firms that may have a  
15 small office here but may be great for this,  
16 and they can move resources for the project.  
17 We want to make sure we have the best  
18 opportunity to get the best possible team for  
19 this. It will be a team. It won't be a single  
20 firm because it's a very large assignment.

21 Q On Monday after you descended the  
22 east pedestrian ramp, which way did you have to  
23 turn to walkthrough the -- I guess you called  
24 it the north pedestrian -- you called it a

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1 entrance.

2 Q So did you physically go into the RTU  
3 building --

4 A Yes.

5 Q -- first? Let me rephrase it. After  
6 you walked through the east pedestrian ramp,  
7 after you walked that ramp, you went into the  
8 RTU building, correct?

9 A Yes.

10 Q And did you meet with anybody in the  
11 RTU building?

12 A No.

13 Q Why did you --

14 A I was with Joe Merkel, but we didn't  
15 meet with anybody else.

16 Q Why did you go into the RTU building  
17 at that time?

18 A Because that was the easiest way to  
19 get to the north tunnel entrance. I wanted to  
20 walk through both.

21 Q So the east tunnel and the north  
22 pedestrian ramp, in order to access it, you  
23 have to go into the RTU building?

24 A To go from the east ramp to the north

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1 tunnel entrance, yes, you have to walk -- you  
2 walk into the RTU, and then you go to the north  
3 tunnel entrance. So you'd walk through the  
4 lower level of the RTU, yes.

5 Q Describe the north pedestrian ramp.  
6 How long is it?

7 A The north tunnel is -- there's a  
8 tunnel connection there and, again, I don't  
9 characterize it as a ramp. It's quite long.  
10 It's a very shallow slope, but it's quite long.  
11 I want to say it's more than 50 feet long but I  
12 could be -- that's just a guesstimate. I  
13 didn't measure it.

14 Q Did you measure the slope of the  
15 north ramp?

16 MR. RADUNSKY: Asked and answered  
17 multiple times, Tom. You know he didn't  
18 measure anything when he was out there on  
19 Monday. I think he said it eight or nine  
20 times now.

21 But, Eric, you can answer the  
22 question again.

23 BY THE WITNESS:

24 A I did not measure the north tunnel

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1 A Yes.

2 Q Do you know if there are any  
3 architectural drawings of this north  
4 tunnel/ramp?

5 A There probably are. We're trying to  
6 find out if there are other drawings. I  
7 haven't been successful yet, but...

8 Q What efforts have you taken  
9 personally to determine if there are drawings,  
10 architectural drawings?

11 A I actually asked Joe when I was out  
12 there, and he suggested -- because sometimes,  
13 like I mentioned, sometimes they're on site.  
14 And so I tend to ask around to some of the  
15 other people who may have the drawings. I did  
16 ask about somebody on our floor that takes care  
17 of some drawings upstairs, and there wasn't  
18 anything upstairs in our building at 69 West  
19 Washington. So I would assume that DFM has  
20 them somewhere. I've just got to ask around  
21 and find them.

22 MR. RADUNSKY: And for the record, I  
23 mean, if there are more drawings like we  
24 said, Tom, we'll be happy to produce them.

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1 connection out of the RTU.

2 BY MR. MORRISSEY:

3 Q If the north -- Let me ask a  
4 preliminary question. When you left the RTU  
5 building to proceed to the north tunnel/ramp,  
6 were you looking up? Would you have ascended  
7 the north tunnel ramp to go back into the DOC  
8 campus?

9 A My recollection is that the tunnel  
10 connection out of the lower level of the RTU to  
11 the overall tunnel system is slightly -- sloped  
12 down slightly, but I could -- I believe it  
13 sloped down, yeah.

14 Q So from the RTU building, if one  
15 wanted to connect using the north tunnel/ramp,  
16 you would be descending to enter into the main  
17 tunnel system at the jail; is that what you're  
18 saying?

19 A I believe that's right. But, again,  
20 I was really headed to Division 1, so I was  
21 just kind of walking through.

22 Q If the slope of the north tunnel ramp  
23 was steeper than 1 to 20, would that require  
24 handrails?

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1 I know that this is something that we have  
2 been talking about for a while. But we're  
3 still actively looking like we have told  
4 you. It's not giving up the fight.

5 BY MR. MORRISSEY:

6 Q Well, aren't -- if the building was  
7 built, completed in 2015, logically wouldn't  
8 they be scanned into a computer system?

9 MR. RADUNSKY: I have -- off the  
10 record.

11 MR. MORRISSEY: I'm not asking you,  
12 Troy.

13 MR. RADUNSKY: Oh, I'm sorry. I'm  
14 sorry. Go ahead.

15 MR. MORRISSEY: I don't depose  
16 lawyers.

17 MR. RADUNSKY: That's true. I  
18 thought we were having a different  
19 discussion. Go ahead. Sorry.

20 Re-ask the question. Ask your  
21 question.

22 BY MR. MORRISSEY:

23 Q Mr. Davis, wouldn't they be --  
24 wouldn't the drawings have been scanned if the

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building was completed in 2015?

A I wouldn't know why. It would be -- again, I wasn't working at the County in 2015, so I don't know what their processes were at that time. It would be my assumption that they would have a hard copy, a printed copy someplace and there probably also would be digital files. So you wouldn't need to scan them because you probably have the digital files, but I haven't found them yet but I could -- you know, I plan to keep looking.

Q Do you know who the architectural firm was that designed the RTU building?

A I don't know who the architect of record was. I know that Roula Architects was involved in it. They may have been the architect of record. I think another firm was the design architect, but I'm not sure. I know Roula was involved, but I don't know whether she was the designer or the architect of record.

MR. RADUNSKY: Can you spell that, Eric, Roula?

THE WITNESS: Roula is spelled

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like that, the contractor is responsible for providing the owner with what are called as-built drawings. As to whether or not they keep the as-builts themselves, I have no idea. I think the warranty period is either only one or two years on a new building like that except for equipment. So they may or may not keep them. I really don't know.

Q If the -- do you have an idea what the rise of the north tunnel ramp is?

A Again, I don't believe it's a ramp. I think it's a corridor. There is a rise to some degree. I don't know what it is. It did seem to be less than the rise on the east side, but I can't speak to it one way or the other and I haven't taken any measurements.

Q Generally, if the -- generally for a -- what does the ADA define as a ramp?

A The definition of a ramp is somewhat complex and has certain exceptions. But in general, any continuous walkway that's longer than I believe it's 3 feet that is of a slope greater -- or greater -- or 1 to 20 or greater, then it's considered a ramp and needs to have --

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R-o-u-l-a. I believe that was Roula's Web page that Tom was showing us earlier.

MR. RADUNSKY: Okay.

MR. MORRISSEY: R-u --

MR. RADUNSKY: R-o-u-l-a, Tom.

MR. MORRISSEY: Okay.

BY MR. MORRISSEY:

Q And they're an architectural firm in Chicago?

A Correct. And I know they were involved in the project but, like I said, I wasn't working at the County. I don't know if she was the design architect and somebody else was the architect of record or if somebody else was the design architect and she was the architect of record. I don't know. Typically you have both on a project that size.

Q Do you know who the contractor was?

A I believe it was Walsh.

Q Typically, in your experience, does the general contractor maintain architectural drawings for 10 or 20 years?

A I don't know what the standards are for maintaining them. Typically in a project

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and is subject to things like the maximum rise before you have an intermediate landing, requires handrails, requires the, you know, the traffic surface and all that kind of -- not traffic surface, not on ramps.

THE REPORTER: Requires what? What did you say?

BY THE WITNESS:

A I'm sorry. There's a requirement for stairs of a change in the floor material so that you're walking along and you have an auditory ability to know, oh, there's a stair coming. But I believe that since a ramp is a continuous surface that a ramp doesn't have that requirement, but it does have the requirement for handrails, and it does have the requirement for intermediate landings.

THE WITNESS: Did you get that, Peggy?

THE REPORTER: Yes.

BY THE WITNESS:

A In general, anything with a slope of 1 to 20 or greater is considered a ramp in the ADA.

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BY MR. MORRISSEY:

Q Give me a moment. When you inspected the north tunnel ramp on Monday, was there a handrail?

A So when I walked through --

MR. RADUNSKY: Objection. Thank you.

You beat me to it, Eric. Go ahead.

BY THE WITNESS:

A You mean when I walked through the north corridor there was no handrail there, correct.

BY MR. MORRISSEY:

Q There was no -- there was neither a handrail on the right or left side of the north tunnel/ramp, correct?

A That's my recollection. There was no handrail in the tunnel.

Q Approximately how many feet was the north tunnel ramp?

A I think I answered that before, but my recollection it was on the order of 50 feet or more.

Q Was there any intermediate landing?

A I didn't perceive one.

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it might be.

Q In the last year or two in -- to your knowledge, have you been in Division 4?

A Yes.

Q And have you been in an area where there was a metal temporary ramp over a flight of stairs?

A I just -- and excuse me. I want to check with counsel.

THE WITNESS: I thought this was about the RTU.

MR. RADUNSKY: It is. I mean, he can ask about this. This is all part of the lawsuit, too. This ramp also --

THE WITNESS: Oh, this is?

MR. RADUNSKY: Yeah, yeah, this is fair. This is fine. Let him ask. Yeah.

THE WITNESS: All right. Sure.

MR. RADUNSKY: Uh-huh.

BY THE WITNESS:

A Yeah, I -- there -- and forgive me. I -- there is a, I believe it's aluminum, aluminum ramp, a convenience ramp there.

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Q Did you -- did you also walk through or inspect the Division 4 last Monday?

A No.

Q Have you been in the -- in Division 4 in the last six months?

A In the last six months, I believe so, yeah. I think we walked around the -- because we are doing some exterior renovations on Division 5, which is right next to it. I think we walked through. I don't remember if we went into 4 or not. I don't think we went into 4.

Q I'm going to show you a photograph in regards to Division 4. It's Exhibit Number 12.

Showing you a photograph that's depicted in Exhibit 12, do you recognize that as being that metal ramp at the bottom of Exhibit 12?

Do you see that?

A So the picture is not very clear. I see something at the end of the corridor, which it's not -- the resolution, it's just -- there are too many pixels. It's hard to tell whether that is or not. I don't -- I mean, I can't tell you one way or the other. It looks like

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BY MR. MORRISSEY:

Q Does the ADA have a provision that permits -- let me ask a question, a preliminary question.

How familiar are you with -- well, let me ask something initially. Where -- to your recollection, where is this aluminum ramp located in the Division 4 building? Is it in the basement?

A So there is a corridor that connects Division 4 to the, what's called, the Division 4 gym, and I believe this is an image from a ceiling-mounted camera in that corridor. There are -- it's a double-loaded corridor. There are small rooms to either side, sort of classroom-size rooms, a series of them that lead to a stair that takes you up to the entrance level of Division 4. The temporary or convenience ramp on the right is, I believe, something that's been put there. We didn't -- Capital, as best I know, didn't put it there that connects to the corridor level which is basically the same level as the gym, which is east of Division 4, to the entry level where

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the security desk is at Division 4. So it connects up there.

I should note that there is a -- from this level, there is a tunnel immediately below this corridor that is a part of the tunnel system that goes underneath the middle of the gym and goes all the way in Division 5. At the back of the gym, there is an elevator from the tunnel level to this level and also when you walk down this tunnel all the way to the end to that stair, at the top of that stair at that level, there is also an elevator that takes you to the entrance level of Division 4.

So from an accessibility standpoint, you can access either this level or the entrance level of Division 4 via elevators from the tunnel. You don't need to take this ramp. That's why I refer to it as a convenience ramp.

Q You're familiar with the U.S. Access Board Technical Guide for Ramps and -- Curbs and Ramps?

A In general, yes.

Q I'm going to show you -- to your knowledge, under the ADA or the Access Board

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the ADA requirements, can a ramp be portable?

A Yes. There are times where, for example, if you have, you know, a concert, right, and you build a stage and the stage is temporary, it still has to be accessible. And the people that sell portable stages also provide accessible ramps to those portable stages. So I believe that there are accessible ramps that are portable.

Q Do you know if this basement area of Division 4 was used for voting in --

A I have no idea.

THE REPORTER: I'm sorry. What was the question?

MR. RADUNSKY: Hold on. You guys are talking over -- yeah, exactly.

MR. MORRISSEY: Let me ask the question again.

MR. RADUNSKY: Okay. Start again.

BY THE WITNESS:

A My fault. I'm sorry.

BY MR. MORRISSEY:

Q This basement area of Division 4 where the gym is located was used in February

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Technical Guide, is there any such thing as what you call a convenient ramp -- convenience ramp?

A I don't recall whether there is or not. That's just my characterization of it. My evaluation in a sort of preliminary nature is that it's not required to access this level or the level up above, but there may be items in the Access Board or something like that that would speak to this. I don't know.

Q Would you -- in the exhibit that's in front of you, the photograph of the -- you would call this the lower level of Division 4?

A I would call it ground level of the Division 4 gym because this is really the part that -- the same floor level as the gym that -- you could turn around. You would be walking into the gym.

Q In this ground level of Division 4 where the gym is, would you characterize that metal, quote, unquote, convenience ramp as portable?

A Yes.

Q And based upon your understanding of

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of 2023 for municipal voting?

A It's my understanding that they used the gym for voting. I don't know if they used this part of the building also or not.

Q I'm going to turn you to Exhibit Number 8.

MR. RADUNSKY: Tom, what was that exhibit, that last one, that picture? Was that 12?

THE REPORTER: It was 12.

MR. RADUNSKY: It was 12, Peggy?

Thanks.

BY MR. MORRISSEY:

Q I'm showing you Exhibit Number 8. It's U.S. Access Board Technical Guide. You're familiar with these technical guides by the Access Board, correct?

A Yes. And I believe that the diagram that you're showing parenthetically is actually something that I provided in conversation about the Cermak ramp, which was a different case. I'm very familiar with this.

Q Okay. So we'll come back to the diagram, and we can look at what you sent to

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Merkel and everybody else which was a cut and paste of this initial diagram but if we go to Page 17 of this Group Exhibit 8.

MR. RADUNSKY: I'm sorry. Tom, you said 17 total --

MR. MORRISSEY: Yeah.

MR. RADUNSKY: How many total pages, 17? Thanks.

MR. MORRISSEY: I don't know.

BY MR. MORRISSEY:

Q There's a question and answer, and it says: Can ramps be portable and provided after construction as an adaptation, and it states: All required ramps and curb ramps must be permanent and installed at the time of construction or alterations with few exceptions.

Does that -- is that consistent with your understanding in regards to portable ramps not being permissible under the ADA?

A As I -- an example that I gave earlier when I noted about a temporary stage where at the end of this paragraph it says: Only ramps serving temporary structures can be

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mentioned, is a way that I'm referring to it.

Q Do you know if the lower level of Division 4 where the gym and those classrooms, I believe, is that a temporary structure down there, the gym and the classrooms in the lower level of Division 4?

A No. It's a permanent structure.

Q So the temporary exception wouldn't apply to the ramp that's depicted in screen shot 12, in Exhibit 12, correct?

A No. As I said, if an analysis indicated that it was required to be a ramp there, if it was required, as it says in this paragraph then, yes, it should be permanent. I'm not aware -- just from looking at it on a cursory basis, it doesn't appear to me that a permanent ramp would be required in that location.

Q Why not if it's -- you personally walked through the basement of Division 4. You've seen that portable metal ramp that's covering the stairway, correct, many times?

A Yes.

Q Why then would you consider that just

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temporary or portable.

That's the kind of example I was referring to in that case because I believe your question was can a ramp be portable, and I believe that a ramp can be portable if it's with a temporary structure. At the top of this paragraph is the word required. All required ramps and curb ramps must be permanent.

It is not clear to me right now, and I have not done the investigation whether or not the ramp that you're showing in the picture is a required ramp or is a ramp for convenience.

If it was a ramp that was required, then, yes, it should be permanent, but it's not clear to me whether or not that particular ramp was required.

Q You used the word "convenience." Where is that in the ADA code? Is that defined in the code?

A I think I referred to it as a term that I was using, that I'm referring to it as a convenience ramp. I don't know if that term is -- appears at all in this. That's, as I

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a temporary ramp for convenience if it's there -- if the Sheriff or the County has left that temporary -- let me rephrase it.

In the multiple times that you have seen that metal structure over the stairs in the lower level of Division 4, why is that permissible under the ADA and not a required -- and why isn't there a permanent ramp at that location if it's used for programs and services for disabled people to access?

MR. RADUNSKY: Eric, I don't understand the question, but you can answer it if you do. Go ahead.

THE WITNESS: Yeah, I do.

MR. RADUNSKY: Okay.

BY THE WITNESS:

A So first I want to correct and remind you that the photograph that you showed is really of the ground level. You can walk down this corridor and turn to either side and go out a door at grade. So it is the ground floor level that we are looking there in that photograph that you had. So -- and then as I answered earlier, if you are -- if you have a

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1 detainee who is disabled and you need to move  
2 them to Division 4 and, let's say, that you're  
3 up in the gym and you have to go to Division 4,  
4 as I mentioned, just, if you will, back stage,  
5 literally behind the stage in the gym is an  
6 elevator that takes you to the lower level.  
7 There is a tunnel. Immediately below this  
8 corridor, there is a tunnel, a part of the  
9 tunnel system.

10 So if I'm in the gym and, let's say  
11 somebody is -- you used the example of voting.  
12 Let's say I'm voting in the gym. The deputy,  
13 as far as accessibility, can take someone to  
14 the elevator, can take them down to the lower  
15 level of the tunnel, can take them through the  
16 tunnel which runs underneath this corridor, can  
17 take them to the elevator that's in Division 4  
18 and can take them up to the ground floor of  
19 Division 4.

20 There is a fully accessible route  
21 from the Division 4 gym to Division 4, and  
22 that's why I referred to this as a convenience  
23 ramp from my admittedly cursory analysis and,  
24 again, it will be part of the overall study.

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1 might bring food if there was that kind of  
2 thing or laundry, things like that, for  
3 convenience.

4 But, no, I couldn't speak to whether  
5 the sheriffs use this for somebody in a  
6 wheelchair or not. We don't -- that's not part  
7 of what Capital Planning does, and I have not  
8 seen it.

9 Q To your knowledge, if the Sheriff  
10 used this metal structure to transport disabled  
11 detainees for programs and services in the  
12 lower level of Division 4, that wouldn't be  
13 compliant with the ADA, correct, using that  
14 structure as a ramp would not be in compliance  
15 with the ADA?

16 A Again, I don't -- I can't speak to  
17 the operational side. I honestly don't -- I  
18 would have to investigate what the rules are in  
19 a secure environment for operations. I don't --  
20 I don't know if that's -- you know, because  
21 somebody is there pushing them, I don't know if  
22 that allows them to use a steeper ramp. I  
23 honestly don't know because we don't do  
24 operations.

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1 It appears that a ramp in this location is not  
2 required to provide access either to the ground  
3 floor level or to the Division 4. I would also  
4 note as a Sheriff's deputy, they have physical  
5 requirements of the ability to walk, climb  
6 stairs, lift things, et cetera that make it  
7 that you don't need a ramp in that location for  
8 a Sheriff's deputy.

9 Q All right. My question is do you  
10 have any knowledge whether or not the Sheriff  
11 at times uses this metal portable structure in  
12 the basement of Division 4 to transfer  
13 wheelchair users or people with disability to  
14 the lower level of Division 4 for programs and  
15 services?

16 A I can tell you that I've never seen  
17 that. I don't know whether they do or not.  
18 I'm Capital Planning. We build the buildings.  
19 We don't operate them. The Sheriff operates  
20 the building. So I can't say one way or the  
21 other whether they did. As I said, it's a  
22 convenience ramp. I do know that there's a  
23 kitchen close by, for example, that they bring  
24 food on carts. This would be the way that you

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1 Q To your knowledge, that metal  
2 structure is there all the time, correct? The  
3 metal portable ramp has been there each time  
4 you have been in the lower area of Division 4  
5 in the last two or three years, correct?

6 A I can't say if -- when I have been to  
7 the ground level of Division 4 if it's been  
8 there every single time. I believe so. But  
9 they may have moved it. So, again, I can't say  
10 whether it's been moved or not. I have no  
11 idea.

12 Q And would you agree that the rise of  
13 that metal structure that's used as a ramp is  
14 greater than 6 inches?

15 A Yes.

16 Q So if that was used as a ramp by the  
17 Sheriff to move detainees to programs and  
18 services in the lower level of Division 4,  
19 there would have to be handrails, correct?

20 A Again, I don't know what the  
21 requirements are if, in a secure environment,  
22 you're pushing somebody in a wheelchair. So I  
23 really can't say one way or the other. I don't  
24 know what the applicable standard would be

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1 because it's a different condition when someone  
2 is in custody and in a secure environment. I  
3 don't know what the requirements are  
4 operationally.

5 Q Do you know if there's any different  
6 requirements for a ramp under the ADA for -- in  
7 a custodial setting, in a correctional setting?

8 A My recollection from other  
9 investigations is that there are circumstances  
10 where it's allowed to be different. I believe  
11 the term in the applicable ordinance or law is  
12 if it's an operational necessity for the law  
13 enforcement personnel, but I don't know -- I  
14 can't say definitively one way or the other. I  
15 think there's some kind of exception but I  
16 can't give you the exact parameters of it.

17 Q Let's turn to Exhibit 7 which you  
18 spoke of. Showing you Exhibit 7, do you  
19 recognize this as an e-mail that you sent to  
20 Timothy Tyrrell and other members of the  
21 Sheriff and the Cook County including --

22 A Yes.

23 Q -- Joe Merkel and Sabrina Canchola?

24 A That's correct. This is an e-mail

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1 at the north tunnel ramp for the RTU, and now  
2 we've looked at the portable metal structure  
3 that's over the stairways in the lower level of  
4 Division 4.

5 Is there any difference as far as the  
6 ADA requirements for a ramp -- for those ramps  
7 as opposed to the Cermak ramp? Do they all  
8 have to comply with your diagram?

9 A So, again, and this relates to the  
10 excerpt from the Access Board that you referred  
11 to earlier. In those circumstances where a  
12 ramp is required, this is part of -- or helps  
13 clarify what the definition is of an accessible  
14 ramp, and the example in the RTU from my  
15 walkthrough is that there is a ramp on the east  
16 side connecting to the tunnel and the RTU that  
17 is required to be an accessible ramp; and from  
18 what I have seen, is an accessible ramp. There  
19 is also a connection out of the RTU to the  
20 north to the tunnel, which does not appear to  
21 be an area where a ramp is required.

22 So in those circumstances where a  
23 ramp is required for accessibility, this  
24 illustrates many of the characteristics of a

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1 about the Cermak ramp, and you see I sent them  
2 this in connection with that, questions about  
3 that.

4 Q Where is this diagram limited to the  
5 Cermak ramp?

6 A It says in the subject of the e-mail,  
7 Cermak ramp.

8 Q Do you know if the requirements for  
9 this under the ADA for the Cermak ramp are  
10 different than the requirements for the two  
11 pedestrian ramps in the RTU and the Division 4  
12 movable metal contraption that's in the lower  
13 level of Division 4? I don't know how to  
14 describe it.

15 MR. RADUNSKY: I know you don't. I  
16 know you're trying. It's funny. Do your  
17 best.

18 BY MR. MORRISSEY:

19 Q Anything under the ADA code? Do you  
20 understand the question?

21 A I think I understand the question.

22 Q Let me rephrase it, make it better.  
23 We've looked at the north, and we've looked at  
24 the east tunnel ramp for the RTU. We've looked

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1 ramp if it's to be considered accessible.

2 Q So for the division -- let's take  
3 Division 4, the portable metal fixture over --  
4 I shouldn't call it a fixture. Portable metal  
5 structure that's over the staircase. It  
6 certainly has a rise over 6 inches, correct?

7 MR. RADUNSKY: Asked and answered.  
8 BY THE WITNESS:

9 A Yeah.

10 MR. RADUNSKY: You can answer. Go  
11 ahead. Yeah.

12 BY THE WITNESS:

13 A Yeah, I think, Tom, for people of our  
14 age, I think the term thingamabob also applies  
15 but the structure, the ramp-ish structure there  
16 in Division 4 connecting the ground level by  
17 the gym to the entry level of 4 is greater than  
18 6 inches and, yes, would -- yeah, it's greater  
19 than 6 inches.

20 BY MR. MORRISSEY:

21 Q And if -- therefore, if it is a ramp,  
22 then it would have to have handrails, correct?

23 A Correct. If the analysis of the  
24 building as a whole and, again, the ADA is a

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1 wholistic circumstance, if the circumstances  
2 indicated that a ramp was required there, then,  
3 yes, that ramp would need to comply with this,  
4 and I would also say, yes, if it's a required  
5 ramp, because it's a permanent structure, it  
6 would need to be a permanent ramp.

7 Q And for the -- What you describe as  
8 the north tunnel/ramp, if under the ADA it fits  
9 the requirement as a ramp, then it would --  
10 since it's -- the rise is greater -- you would  
11 agree that the rise is greater than 6 inches,  
12 correct?

13 A Again, it's a wholistic  
14 determination. But given that my perception is  
15 that the slope is greater than 1 to 20, that,  
16 no, it's not -- would not be required for that  
17 tunnel connection.

18 Q So it's your -- from inspecting or  
19 walking through the north tunnel ramp, the rise  
20 is not greater than 6 inches; is that what  
21 you're --

22 A No, I believe the north tunnel ramp  
23 rise is greater than 6 inches, but I believe  
24 that the slope is greater than 1 to 20. So it

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1 BY MR. MORRISSEY:

2 Q So you estimated on Monday that the  
3 horizontal length of the north/tunnel ramp is  
4 about 50 feet, correct?

5 A Plus or minus, yes, something on that  
6 order.

7 Q What would be the maximum vertical  
8 length in inches for the slope to be less than  
9 1 to 20?

10 A I'm not sure what you're asking for  
11 the slope to be less than -- in other words --  
12 you mean if the slope was shallower than 1 to  
13 20 what is the maximum length -- or maximum  
14 rise rather?

15 Q What is the maximum vertical height?

16 A It's infinite. If you've got a  
17 sidewalk and it's sloped less than 1 to 20,  
18 there is no limitation on the rise that I'm  
19 aware of.

20 Q So let's assume the bottom of the  
21 north ramp is -- from the bottom to the top of  
22 the ramp has a rise of, let's say, 26 inches,  
23 is there a requirement to have a handrail?  
24

A Again, stipulating that the slope is

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1 would not be required.

2 Q What would the height be of the north  
3 ramp if it was greater than 50 feet long?

4 A I'm not understanding your question.

5 Q Sure. If the height of the north  
6 ramp -- strike that.

7 If the length of the north ramp was  
8 greater than 50 feet -- let me -- assuming the  
9 length of the ramp was greater than --

10 MR. RADUNSKY: Sorry to interrupt.

11 Does anybody know who that yelling is?

12 MR. MORRISSEY: Give me a moment,  
13 okay?

14 MR. RADUNSKY: Sure.

15 MR. MORRISSEY: We are going to take  
16 a one-minute break.

17 MR. RADUNSKY: No problem.

18 MR. MORRISSEY: Somebody in the  
19 peanut gallery is yelling at me.

20 MR. RADUNSKY: No problem. No  
21 problem. One minute. Okay.

22 (WHEREUPON, a short  
23 break was had.)  
24

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1 greater than 1 to 20, there is no requirement  
2 for a handrail, no.

3 Q And what -- where are you referring  
4 to in the ADA code for that?

5 A I don't believe I can refer to things  
6 while we're in this deposition, but that's the  
7 general -- the general limitation is that if it's  
8 less than -- if it's shallower than 1 to 20, then  
9 there is no requirement for a ramp. I would  
10 have to research --

11 Q You mean there is no requirement for  
12 a handrail, correct?

13 A It is -- well, no, there is no  
14 requirement that it be considered a ramp. In  
15 other words, if it is 1 to 20 or steeper,  
16 then -- and it's longer than 6 feet, then it  
17 has to be configured as a ramp in order to be  
18 accessible. But since that tunnel connection  
19 is not steeper than 1 to 20, it doesn't appear  
20 to be steeper than 1 to 20, it doesn't appear  
21 that there is any requirement for a handrail or  
22 an intermediate landing regardless of the  
23 length.  
24

Q But as we spoke before, you just

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1 don't know, correct?

2 **A I have not measured it. That's**  
3 **correct. I can only tell you about my**  
4 **perception from walking through it.**

5 Q Okay. Why --

6 **A And again --**

7 Q Let me ask you this. Let me ask you  
8 a very basic --

9 MR. RADUNSKY: You guys are  
10 interrupting each other. One at a time.  
11 BY THE WITNESS:

12 **A Let me finish my answer. That is one**  
13 **of the things that when we assess the entire**  
14 **campus, we will make an affirmative**  
15 **determination of that.**

16 BY MR. MORRISSEY:

17 Q Do you have a general oversight of  
18 capital improvements at the Cook County Jail?

19 **A Yes.**

20 Q Why then in your capacity as a deputy  
21 of Capital Planning, why wouldn't you just  
22 simply measure the north ramp to determine if  
23 there was any validity to this complaint?

24 How long would it take you as an

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1 **A Correct.**

2 Q And you walked through all of these  
3 areas in part to prepare for today's  
4 deposition, correct?

5 **A Yeah. I wanted to walk through it**  
6 **again, yeah.**

7 Q And you, as an architect, have access  
8 to a ruler, correct?

9 **A In the digital age, I couldn't tell**  
10 **you -- I have one somewhere. A straight ruler,**  
11 **I'm not sure I have a ruler handy because I**  
12 **don't do manual drawings anymore. I probably**  
13 **have one somewhere.**

14 Q And you knew it was -- these  
15 questions were going to be asked of you whether  
16 or not the north and the east ramp were  
17 accessible according to the County's opinion  
18 and yet you didn't do any measurements,  
19 correct?

20 Is that fair to say?

21 MR. RADUNSKY: Objection. Hold on.  
22 Objection. It's argumentative. He's asked  
23 and answered, you know, but you can -- go  
24 ahead. You can answer, Eric.

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1 architect to measure?

2 **A Well, first of all, I generally**  
3 **wouldn't have the tools. You know, as I said,**  
4 **if you wanted a rough idea, you could probably**  
5 **count the block coursing but that's pretty**  
6 **inexact. If I thought it was close and I**  
7 **needed to measure it, I would need to use**  
8 **something like a laser level or a transit,**  
9 **which I don't have and I don't know how to**  
10 **operate. I would hire somebody or have someone**  
11 **do it.**

12 Q Previously, you used Joe Merkel,  
13 correct, for the Cermak ramp?

14 **A I believe that Joe was assigned to do**  
15 **that by TJ at the time. I don't think that was**  
16 **a stipulation that Capital Planning asked for.**  
17 **I'm glad that he did. He seemed to be correct,**  
18 **but I don't believe that was a direction that**  
19 **came from Capital Planning.**

20 Q Joe Merkel has a laser from what I  
21 gather or has access to a laser, correct?

22 **A A laser level, yes.**

23 Q Yeah, and he was with you on Monday,  
24 correct?

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1 BY THE WITNESS:

2 **A I want to add some additional**  
3 **information. I didn't know it was Joe that was**  
4 **going to be walking me through until that**  
5 **morning when I was walking the sight. I knew**  
6 **somebody from DFM, but I didn't know it was Joe**  
7 **Merkel until that morning.**

8 BY MR. MORRISSEY:

9 Q But you knew the -- you were going to  
10 be questioned today about whether, from the  
11 County's standpoint, these ramps were  
12 accessible or not, I assume, correct?

13 MR. RADUNSKY: Again, it's  
14 argumentative.

15 You can answer.

16 BY THE WITNESS:

17 **A I knew that you were going to be**  
18 **asking -- I thought you were only going to be**  
19 **asking about the RTU ramps. I didn't**  
20 **remember -- or realize you were going to talk**  
21 **about Division 4; but, yeah, that's why I**  
22 **wanted to refresh my memory about what they**  
23 **looked like and also knowing that we're in the**  
24 **process of hiring somebody to find a definitive**

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1 answer one way or the other.

2 Q Why don't we take -- I'm about  
3 wrapped up. Why don't we take a five-minute  
4 break and see if we have anything additional,  
5 okay?

6 MR. RADUNSKY. Great. Eric, five  
7 minutes, okay?

8 THE WITNESS: Yeah, I'm just going to  
9 turn my mike off. I will be here.

10 (WHEREUPON, a short  
11 break was had.)

12 BY MR. MORRISSEY:

13 Q Is there a process after the  
14 architect prepares their report -- well, let me  
15 rephrase the question.

16 You have a request for qualifications  
17 out -- or you don't have. After you -- after  
18 the request for qualifications is released to  
19 the public, then the contractor has to be  
20 chosen by Capital Planning, correct?

21 A So the answer to that question is  
22 somewhat complicated. When we issue a request  
23 for qualifications and the vendors have  
24 submitted their -- have submitted their

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1 In the traditional design, bid,  
2 build, the architect creates their drawings,  
3 they are submitted to the market for bid. Any  
4 contractors anywhere submit their bids. Those  
5 bids are evaluated and they are chosen.

6 So it depends as far as going  
7 straight to the contractor, sometimes the  
8 contractor is involved during design.  
9 Sometimes they're not.

10 Q Let's go back one step. After the  
11 qualifications come in, do the architects in  
12 this case that meet the qualification  
13 standards, do they all get an opportunity to  
14 walk the site to see whether or not they want  
15 to bid on the project?

16 A So in this case, again, because there  
17 are requests for qualification, we outline the  
18 general scope of the project in the  
19 solicitation. We do not for RFQs generally do  
20 site walks with all of the firms who may be  
21 interested, and I think you can understand why.  
22 You're talking about the Cook County Jail. We  
23 don't necessarily want to take 25 firms and all  
24 of their people wandering through the jail. We

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1 qualifications, we have a process whereby we  
2 evaluate and identify what we call the most  
3 qualified firm or the most qualified team.

4 We then go into negotiations with  
5 that firm. We do things like walk the site.  
6 We answer all those specific questions, and we  
7 negotiate what their fee is going to be. This  
8 is the process that the federal government  
9 follows, that the state follows and others  
10 follow to make sure that we get the most  
11 qualified firm from the marketplace because  
12 these kinds of things are very important in  
13 terms of qualifications, and we don't want them  
14 to be based upon price.

15 Okay. Once that's done and we've  
16 hired the architect, the architect develops the  
17 drawings and so a part of it depends on how the  
18 project is going to be delivered. If we have a  
19 project that is smaller or more localized, we  
20 may use our job order contracting or JOC  
21 methodology to construct. In that case, the  
22 contractor will be on board before the  
23 architect is finished so that the two of them  
24 can work together.

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1 would rather only do that with the people who  
2 are going to do the work. So we identify the  
3 most qualified firm, and then we negotiate  
4 their fee. If for some reason we're not able  
5 to come to agreement with that most qualified  
6 team, we go to the second ranked team by the  
7 evaluation committee. So there's actually a  
8 numerical ranking system. And if the first  
9 one, we're not successful with them, we end  
10 those negotiations and then negotiate with the  
11 second highest ranked firm.

12 So they don't give us a price until  
13 we have that one firm and they've had a  
14 chance -- that's when we give them a chance to  
15 walk the site, we give them the drawings that  
16 we have, all that sort of thing. We only  
17 provide that to the firm once we've identified,  
18 you know, which firm that is.

19 Q So at that stage when you select the  
20 qualified bidder or you rank them, in regards  
21 to this project that you're describing that  
22 you're sometime this year going to do the  
23 request for qualifications, how many different  
24 sites would the architect that's selected have

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1 to walk through before actually preparing a bid  
2 to do the work?

3 A We would leave that actually to the  
4 design firm. We would say here's the  
5 boundaries of the area that we want you to  
6 assess, and then they can frankly walk however  
7 much they want to because it's in the County's  
8 best interest for them to have examined every  
9 situation and every condition so that they  
10 understand how much work they are going to have  
11 to do.

12 If they want to walk the whole site  
13 and all the floors of all the buildings, they  
14 can do that. If they only want to just do a  
15 general walk-around at a couple of sites, they  
16 can do that.

17 We want to afford the designer the  
18 opportunity to understand at a sufficient level  
19 of detail the level of effort, and that's the  
20 term we use, level of effort, that it's going  
21 to take for them to develop the drawings and  
22 evaluations that are necessary.

23 So there isn't anything finite. We  
24 don't say, oh, you can only go to five

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1 will be land. There would be a garage, parking  
2 lots. There will be all kinds of things in  
3 between there.

4 We want the assessment of the entire  
5 facility so that we can identify, if there are  
6 any deficiencies, what those are and what we  
7 need to be doing. We want an objective view of  
8 what we should be doing about them.

9 Q And once --

10 A You're going to have a lot of fun  
11 with it, Tom, I'm sure.

12 Q I don't know if I'd classify that as  
13 fun. It's work, right?

14 After the selected architect does  
15 their review of these facilities at the DOC,  
16 they then -- that person or firm has to come up  
17 with a bid, an estimate, how much they're going  
18 to have to charge for this work, correct?

19 A Actually, they will walk it -- before  
20 they've actually performed an assessment, we  
21 will pay them for the assessment. We're asking  
22 them to walk around and get an idea of what  
23 it's going to take from their standpoint to do  
24 the assessment and also to do the preliminary

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1 buildings or here are the four you can visit.  
2 We leave it up to them in this case -- well, in  
3 every case so that they've been able to see all  
4 of the conditions and take that into account  
5 when they develop their proposal for what their  
6 fee would be.

7 Q So the RFQ that would include these  
8 three ramps that we talked about today, in  
9 addition to those three ramps, what other areas  
10 are encompassed in the RFQ?

11 A Generally everything between  
12 Sacramento Avenue, 31st Street, California --  
13 I'm sorry. Excuse me. It actually goes east  
14 of there because it includes Division 11. So  
15 everything from Sacramento to 31st Street over  
16 to the train tracks and up to 26th Street and  
17 across. Everything that is a part of the  
18 Department of Corrections except for, as I  
19 mentioned, Cermak Health Services facility and  
20 the Leighton Criminal Courthouse. Any  
21 County-owned Department of Corrections  
22 facilities or land in that area will be a part  
23 of what is evaluated.

24 So there will be buildings. There

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1 design. You know, they're going to be  
2 developing multiple packages for implementation.  
3 So we want them to be able to -- you know, the  
4 assessment task itself is a big job, and so we  
5 want them to tell us how many hours they think  
6 it's going to take and who has to be there, all  
7 of that kind of stuff.

8 Q Well, I understand they're going to  
9 get paid for the --

10 A They won't do a bid -- they'll use  
11 those walkthroughs to identify their fee.  
12 We'll negotiate that. When we have agreement  
13 on their fee, they will do the assessment and  
14 they will do the preliminary design.

15 Q Does their -- when does their fee --  
16 does their fee have to be approved by the  
17 County board?

18 A Yes.

19 Q And when does that take place?

20 A Okay. So let's assume the project  
21 goes to the street beginning of November and  
22 it's out -- or actually, yeah, probably  
23 beginning of November. Given that you have got  
24 the holidays, we probably wouldn't be receiving

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the responses until early in the new year, you know, first part of January just because it's hard to get people to respond to things in that time of year.

Once we have those, they have to be evaluated. As I said, we have to score them and then we do the walkthroughs probably in, let's see, by then it will be February, March, something like that. We'll walk through the site with them. We'll negotiate. We'll expect to have them under contract -- I'm sorry -- have agreement with them in, like, maybe April, May, something like that. And it would go to the County board then, you know, May, June, July, something in that area. The County board approval is a two-month process because you introduce things, and then they are voted upon the following month.

So we would hope to have them under contract before the end of the summer, but I don't know how long that will take. There are any number of factors that could affect that. I would like to get it sooner than that, but that's kind of the environment in public

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I think it's fair to say it's a reflection of the commitment to our department to addressing these issues.

The Department of Justice came. They issued the Barrier's Report. They did not cover the whole campus. We're covering the whole campus. So, you know, we're trying to be as diligent and thorough and objective as we can but it takes time.

Q So their assessment, best case scenario, isn't until, let's say, December of 2024. Do they then give you a report, Capital Planning, or do they give it to the Sheriff? How does that go?

A We're the owners of the -- the Bureau of Asset Management are the owners of the facility. We would review their assessment at that time. It would be my expectation that we would review them with folks and the Sheriff at that time to get their input because they know the operations of the facility, what their needs are. Sometimes, and I would expect during assessment, they would probably have consultations with the Sheriff because there

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procurement that -- that's what we work in.

Q Is there any time estimate when they do their assessment?

A Okay. So let's follow that hypothetical. Let's say we get them the board-approved contract by the end of summer of 24. So they're under contract. They're going to have to walk the whole site, which it's going to be a team, not an individual. It will be multiple firms. You know, they would be doing assessments. I would expect it would take them six months to do those assessments because that's a lot. So we're probably looking, you know, next fall, winter before we have their preliminary assessments, and then they're going to have to do a bunch of drawings and that sort of thing as well to sort of illustrate their recommendations, and so it's probably the following year before we've got, you know, things that we can break out in individual packages.

Again, this is -- you're talking about a campus that is approximately 5 million square feet. It's an enormous enterprise, and

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are elements of operation that may affect what you do and don't need. You know, what are areas that are secure and have these limitations? What are areas that are not secure? And then, you know, access to the public, those kinds of things. So I would expect they would be -- we would be putting them in contact with people from the Sheriff's Office during the assessment, certainly during their walk-arounds. And, yes, once they have an indication of, you know, here's what we think, we probably would go through with the Sheriff too, yeah. But at the end of the day, Asset Management owns the buildings.

Q So the report -- what would the report be entitled? What's the title of the report?

A I have no idea. I have no idea.  
MR. RADUNSKY: Speculation, right.  
BY THE WITNESS:

A It could be called any number of things. Some version of, you know, Accessibility Assessment of the Department of Corrections Campus or something like that. I

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1 don't know. You know, something like that.

2 BY MR. MORRISSEY:

3 Q Is there any priority given to  
4 pending litigation to speed up this process?

5 A Well, since -- I would give an  
6 example. We did accelerate the Cermak ramp or  
7 the Cermak building assessment out of that  
8 larger goal frankly to get you answers faster  
9 because it was easier to take a single firm on  
10 a single assignment and break that out because,  
11 quite frankly, to answer questions related to  
12 litigation.

13 It wasn't until this stuff started  
14 arriving for this that we got something about  
15 the RTU because it's a new building, why would  
16 there be anything to look at there.

17 So, you know, we're trying to be both  
18 thorough and, yeah, responsive. Yeah. You  
19 know, it's certainly fair to say that we broke  
20 out and accelerated the assessment of the  
21 Cermak building in part in response to  
22 litigation, but I think it's in the taxpayer's  
23 best interest that we get our arms around the  
24 whole problem rather than randomly breaking

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1 fair to say?

2 MR. RADUNSKY: Tom, your question was  
3 correct but you said Joe Merkel and not TJ.

4 MR. MORRISSEY: I'm sorry. Let me  
5 rephrase it.

6 BY MR. MORRISSEY:

7 Q TJ Tyrrell points out a problem as  
8 the manager of Facilities Management in March  
9 of 2021, says the north ramp leading to the RTU  
10 does not appear to be ADA accessible. I'm  
11 sorry. The east ramp. I'm sorry. I have it  
12 wrong.

13 He says the east ramp doesn't appear  
14 to be compliant with the ADA. It won't be  
15 until December of 2025 before the Cook County  
16 or the Sheriff does an assessment to determine  
17 whether or not TJ Tyrrell's observation is true  
18 or not; is that fair to say?

19 A TJ made a random comment in the  
20 middle of a series of discussions about Cermak,  
21 which, as I mentioned, we have accelerated and  
22 are moving forward on. Honestly, that was  
23 really the focus at that point.

24 He was asking a question about an

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1 things out depending upon which building you  
2 decide to sue us about.

3 Q The report for the Cermak ramp you  
4 mentioned, has that been tendered to Capital  
5 Planning?

6 A I haven't received that yet, but this  
7 is about the RTU. One of the key people was  
8 very ill and I had expected frankly to have  
9 this before today, but we haven't received it.  
10 He was not doing well. So we don't -- I hoped  
11 to get it this week, but that's not going to  
12 happen.

13 MR. RADUNSKY: There's a free  
14 question on the Walker case for you, Tom,  
15 and answer.

16 BY MR. MORRISSEY:

17 Q So basically, Joe Merkel points out a  
18 problem in March of 2021 involving the east  
19 ramp for the RTU that the structure does not  
20 appear to qualify -- appears to be not in  
21 compliance with the ADA. The County will not  
22 have a report or do any type of analysis of it  
23 until sometime, at best, in December of 2025  
24 more than four and a half years later; is that

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1 almost new building, which, to my mind, if you  
2 see a comment like that it's like, yeah, it's  
3 probably fine, you know, because it's a  
4 building, and besides TJ wouldn't know one way  
5 or the other. We'll get to it, but I wouldn't  
6 say that that -- in the absence of your  
7 lawsuit, that doesn't necessarily identify it  
8 to us as a priority at that point.

9 And, again, we're trying to balance  
10 the urgent needs, in this case Cermak, with the  
11 larger need to get our arms around the whole  
12 project.

13 So your question suggests a level of  
14 indifference that I would think is completely  
15 uncalled for.

16 Q Well --

17 A No, no. I want to finish this. When  
18 you took a minute's break, I checked -- I have  
19 to check my e-mails because I get 60, 80  
20 e-mails at a time. The two that I responded to  
21 during that one-minute break were both about  
22 ADA issues on completely different matters.  
23 Okay?

24 So we're working all over the map

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1 about this stuff. Okay? And I have to say I  
2 really object to any insinuation that we're not  
3 being as aggressive and efficient and thorough  
4 and professional as we can be. This is really  
5 important. It's important to the County at a  
6 policy level. It's important to me personally  
7 as a professional. And so your comment  
8 suggests a level of indifference that is, I  
9 think, just not warranted. It takes time to  
10 buy things in government because there's lots  
11 of questions because the money is the public's.  
12 It's not like the private sector. It takes  
13 awhile. And so, yeah, I mean, is it going to  
14 take awhile to get this, yeah, you're talking  
15 about 5 million square feet. Okay? So, I  
16 mean, we're getting there as efficiently as we  
17 know how to do balancing, like I said, with  
18 things like Cermak because, okay, let's  
19 accelerate that. But if every time somebody  
20 makes some random comment in an e-mail, hey, I  
21 don't know if this looks right, we stop  
22 everything and we go look at that, we'd never  
23 get anything done.

24 Q Do you know Sabrina Canchola?

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1 these RFQs and RFPs were. They used to be  
2 RFPs. They are now RFQs.

3 We also, as you know well, attempted  
4 to acquire architects on a task order basis,  
5 which was denied by the Board of Commissions.  
6 Some of the elements that Sabrina was asking  
7 about would have been able to be addressed had  
8 we been able to do that. But as you know from  
9 other litigation, we were denied the  
10 opportunity to do that. We have been trying as  
11 best we can. We are certainly not ignoring  
12 Sabrina's request. We are trying to find the  
13 best and fastest way to get this stuff done.

14 Q The CIP is what, capital planning --

15 A CIP, the Capital Improvement Plan.  
16 It's approved by the board of commissioners  
17 every November. It's a public document.

18 Q And you recall that in that business  
19 case, Sabrina Canchola said Division 10 is a  
20 maximum security division with no ADA compliant  
21 housing. Detainees with mobility disabilities  
22 that require auxiliary aides but do not require  
23 medical housing are housed in Divisions 2, 4,  
24 6, 9 and 10 and the only ADA housing that

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1 A Yes.

2 Q The Sheriff's ADA coordinator?

3 A Yes.

4 Q And does -- Sabrina or somebody from  
5 the Sheriff's Office can provide a business  
6 case report to Capital Planning to have some  
7 type of improvement of their facilities,  
8 correct?

9 A Yes.

10 Q In a business case?

11 A Yes.

12 Q You're aware that Sabrina Canchola in  
13 fiscal year 2019 provided a business case in  
14 regards to ADA assessments and improvements in  
15 Division 2, 4, 6, 9 and 10, you're aware of  
16 that?

17 A Yes. And we put it in the CIP and  
18 there was every effort to do that. You  
19 mentioned before the challenges that we've had  
20 because of the change with the procurement  
21 director and the need to completely re-do our  
22 templates. We tried once with the old method  
23 because it was 2019 and then had to back up and  
24 completely renegotiate what the basic format of

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1 are -- that comply with the 2010 standards are  
2 Cermak and the RTU and that detainees are not  
3 provided accessible cells, toilets and showers.  
4 This was in 2019.

5 My question is what, if anything, has  
6 been done since April of 2018 to provide  
7 accessible housing for disabled people at the  
8 Cook County Jail?

9 THE WITNESS: Troy, you had -- is  
10 there an objection?

11 MR. RADUNSKY: There is. I mean,  
12 it's just objection to relevance. There's  
13 other divisions, other housing. I don't  
14 see what it has to do with the RTU. I  
15 mean, if you could focus it on the RTU,  
16 that would be great.

17 Eric, I mean, I can't tell you  
18 not to answer the question so go ahead and  
19 just, you know, I guess, be brief.

20 BY THE WITNESS:

21 A Tom, there was a long preamble. Can  
22 you repeat the question part?

23 BY MR. MORRISSEY:

24 Q The question is you're aware of

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Sabrina's business case in April of 2018 where she said that at the jail, there's little or no accessible housing for disabled people.

My question is from April of 2018 to the present, the County is now getting around to doing a request for qualifications for -- from architects to assess whether or not -- the degree in which these divisions are not accessible for disabled people; is that correct?

**A No --**

MR. RADUNSKY: Hold on. Same objection. I also, again, just object to relevance. Her e-mail is in reference to other divisions.

Subject to that, go ahead. You can answer, Eric.

BY THE WITNESS:

**A And I object, Tom, to your characterization of now getting around to implying that there have been no actions taken to that point.**

Her business case was received. It was included in the request to the Board of

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mischaracterizes the County's action.

BY MR. MORRISSEY:

Q Well, let me rephrase it. The request for qualifications which will go out at some point maybe this year is going to address the concerns that Sabrina raised in April of 2018 in her business case, correct?

**A It will include those, yes.**

Q I'm not finding fault with Capital Planning or you personally, but that's just the nature of government; is that fair to say? That it takes that long to actually do an assessment when the client, and I suppose Sabrina Canchola would be considered a client of Capital Planning, raises an issue in regards to ADA accessibility?

**A That's correct, yes. And I would note just by the way we are -- this fall in October, are going to be submitting for approval in November a Capital Improvement Plan where we were not able to address all of the requests that our various user agencies did. The top three priorities for the projects that we did advance are life safety, ADA and**

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Commissioners, which was approved. As I mentioned before, there were challenges in getting somebody hired, multiple challenges. We have tried many different ways to crack this particular nut and only recently have been able to be successful enough to push something out to the street to address that.

But to say now "getting around to," I think is a mischaracterization of our efforts. I would also note that her request was only 2, 4, 8 and 10 or whatever you listed where we're actually expanding it beyond that to include the entire campus and all of the horizontal surfaces and not just the buildings.

So we're actually taking a more aggressive, more inclusive approach to addressing it than even she asked in that. We are not doing nothing. We have been trying any number of ways to get this done.

As I mentioned, we broke out a piece of it because of the time. Cermak had not been assessed. So we broke Cermak out and accelerated that. So to say that, you know, we're just getting around to it I think

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anything that's building critical systems. Those projects all went through. It is an absolute priority. We've set it in writing many times. It is a first-level priority for us in developing our capital plans.

MR. MORRISSEY: All right. I have nothing further. Thanks for your day and hopefully you can interview that person.

THE WITNESS: Yeah, I got six minutes to go, but I appreciate your efforts to get me done before 2:00 o'clock.

MR. RADUNSKY: No questions. We will reserve signature.

MR. MORRISSEY: All right. Thanks.

FURTHER DEPONENT SAITH NOT...

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

EUGENE WESTMORELAND, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 21-cv-4330  
 )  
THOMAS DART, Sheriff of )  
Cook County, COOK COUNTY, )  
ILLINOIS, OFFICER E. )  
ARREGUIN, and NURSE )  
JEFFERSON, )  
 )  
Defendants. )

I, ERIC DAVIS, being first duly sworn, on oath, say that I am the deponent in the aforesaid deposition, that I have read the foregoing transcript of my deposition, consisting of pages 1-132 inclusive, taken at the aforesaid time and place and that the foregoing is a true and correct transcript of my testimony so given.

\_\_\_\_\_  
ERIC DAVIS

SUBSCRIBED AND SWORN TO  
me before this \_\_\_\_\_ day  
of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
Notary Public

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STATE OF ILLINOIS )  
 ) ss:  
COUNTY OF C O O K )

I, Peggy A. Anderson, a Certified Shorthand Reporter in the State of Illinois do hereby certify:

That previous to the commencement of the examination of the witness, the witness was duly sworn to testify the whole truth concerning the matters herein;

That the foregoing deposition transcript was reported stenographically by me, was thereafter reduced to typewriting under my personal direction, and constitutes a true record of the testimony given and the proceedings had;

That the said deposition was taken before me at the time and place specified;

That the said deposition was adjourned as stated herein;

That I am not a relative or employee or attorney or counsel, nor a relative or employee of such attorney or counsel for any of the parties hereto, nor interested directly or indirectly in the outcome of this action.

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IN WITNESS WHEREOF, I do hereunto set my hand this 23rd day of October, 2023.





Peggy A. Anderson  
Certified Shorthand Reporter  
License No. 084-003813

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